

Appendix A

Correspondence (in chronological order)

Appendix A

Correspondence (in chronological order)

February 28, 2000

Regulatory Branch

Mr. Dave Christensen
Deputy Director of Public Works
City of Chesterfield
16052 Swingley Ridge Road
Chesterfield, Missouri 63017

Dear Mr. Christensen:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the draft EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Please contact Mr. Danny McClendon at (314) 331-8580 if you, or a representative from your agency, will be attending this meeting. It is important that you let Mr. McClendon know no later than March 6, 2000, if someone from your agency will be attending this meeting.

Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. Steven Lauer
St. Charles County Planning Department
201 North 2nd Street, Room 420
St. Charles, Missouri 63301-2874

Dear Mr. Lauer:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the draft EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Typical letter to cooperating

Mr. Daniel L. Human
Ziercher & Hocker, P.C.
The Bemiston Tower
231 South Bemiston, 8th Floor
St. Louis, Missouri 63105-1914

Dear Mr. Human:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the draft EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. Brian Weiler
Administrator of Aviation
Missouri Department of Transportation
Post Office Box 270
Jefferson City, Missouri 65102

Dear Mr. Weiler:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the draft EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. Victor Blackburn
Natural Resources Conservation Service
1215 Fern Ridge Parkway, Suite 212
St. Louis, Missouri 63141

Dear Mr. Blackburn:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. Bob Innis
Transportation Corridor Improvement
East-West Gateway Coordinating Council
10 Stadium Plaza
St. Louis, Missouri 63102-1714

Dear Mr. Innis:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the draft EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. Herb Liu
Parks Planning and Development Specialist
Saint Louis County Department of Parks
and Recreation
41 South Central
Clayton, Missouri 63105

Dear Mr. Liu:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the draft EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. Donald E. Spencer
Assistant Director
St. Louis County Department of Highways
and Traffic
121 South Meramec Avenue
St. Louis, Missouri 63105

Dear Mr. Spencer:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the draft EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. George Riedel
State Coordinator
State Emergency Management Agency
Post Office Box 116
Jefferson City, Missouri 65102

Dear Mr. Riedel:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the draft EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. Robert Bissell
Mitigation Division
Federal Emergency Management Agency
2323 Grand Boulevard, Suite 900
Kansas City, Missouri 64108

Dear Mr. Bissell:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the draft EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. Robert Sfreddo
Assistant Chief Engineer-Design
Missouri Department of Transportation
Post Office Box 270
Jefferson City, Missouri 65102

Dear Mr. Sfreddo:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the draft EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Ms. Venessa Madden
U.S. Environmental Protection Agency
Region VII
901 North 5th Street
Kansas City, Kansas 66101

Dear Ms. Madden:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the draft EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. Joe Cothern
U.S. Environmental Protection Agency
Region VII
NEPA Coordinator
901 North 5th Street
Kansas City, Kansas 66101

Dear Mr. Cothern:

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. Dan Witter
Missouri Department of Conservation
Policy Coordination
Post Office Box 180
Jefferson City, Missouri 65102-0180

Dear Mr. Witter:

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. John Madras
Missouri Department of Natural Resources
Water Pollution Control Program
Post Office Box 176
Jefferson City, Missouri 65102-0176

Dear Mr. Madras:

The purpose of this letter is to invite you to attend an Agency Scoping Meeting to be held on March 9, 2000, in Maryland Heights, Missouri. This Agency Scoping Meeting will kick-off the Environmental Impact Statement (EIS) being prepared for Missouri River Flood Plain Developments between Missouri River Miles 29.6 to 38.4, St. Louis County, Missouri. A Notice of Intent to prepare the draft EIS was published in the January 26, 2000 Federal Register. The St. Louis District, U.S. Army Corps of Engineers is the Federal sponsor for this EIS.

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. Tom Lange
Missouri Department of Natural Resources
Post Office Box 176
Jefferson City, Missouri 65102-0176

Dear Mr. Lange:

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Sincerely,

Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch

February 28, 2000

Regulatory Branch

Mr. Donald Neumann
U.S. Department of Transportation
Federal Highway Administration
209 Adams Street
Jefferson City, Missouri 65101

Dear Mr. Neumann:

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Michael A. Brazier
Chief, Regulatory Branch

Michael A. Brazier
Chief, Regulatory Branch



EMERGENCY MANAGEMENT AGENCY

DEPARTMENT OF PUBLIC SAFETY OFFICE OF THE ADJUTANT GENERAL

P.O. Box 116, Jefferson City, Missouri 65102
Phone: 573/526-9100 Fax: 573/634-7966
E-mail: mosema@mail.state.mo.us



March 13, 2000

U.S. Army Corps of Engineers,
St. Louis District
Attention: Danny D. McClendon
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833

Re: Howard Bend Floodplain EIS

Dear Mr. McClendon:

We very much appreciate the opportunity to comment on the Howard Bend Levee Environmental Impact Statement. Please accept this letter as comments from the Missouri State Emergency Management Agency (SEMA) regarding this project.

The City of Maryland Heights is a participant in the National Flood Insurance Program (NFIP). Any development associated with this project located within a special flood hazard area as identified by the Federal Emergency Management Agency (FEMA) must meet the requirements of the community's floodplain management ordinance. This would require obtaining a floodplain development permit for this project. This permit must be obtained prior to the commencement of the construction/development activity. The permit would be obtained from the City of Maryland Heights.

If the proposed development activity is located within a regulatory floodway, a "no-rise" certificate and statement as to the effects of possible flooding is required before the development can be permitted. This analysis must be performed by a licensed engineer and to FEMA standards.

The Corps of Engineers currently has a study of the Upper Mississippi River and Lower Missouri River regarding new river profiles. New preliminary profiles should be available within the next year. The new river profiles may have some affect on the proposed levee increase and should be included in the EIS.

If you have any questions concerning our comments, please contact me a (573) 526-9141.

Sincerely,

George Riedel
Floodplain Management Manager

GR:psh

91 :01 MW 21 00W 00Z

cc: Kay Carder, Mitigation Specialist, FEMA Region VII
MoDOT File
Community File - City of Maryland Heights
Howard Bend Levee File



St. Charles County Government

Planning Department
Steven G. Lauer, Director

March 21, 2000

U.S. Army Corps of Engineers
St. Louis District
Attn: Regulatory Branch (McClendon)
1222 Spruce Street
St. Louis, Missouri 63103-2833

Dear Mr. McClendon:

I appreciated having the opportunity to discuss the Howard Bend Levee Floodplain Project with you at the Agency Scoping Meeting/Workshop on March 9, 2000. The maps that were displayed at the workshop were very helpful in determining the scope of the project.

As the March 9th workshop initiated the scoping meeting process for the Environmental Impact Statement (EIS), St. Charles County would, as per your suggestion, like to offer the following comments: The Greens Bottom area of St. Charles County would be most affected by this development. As Greens Bottom is only protected by an agricultural levee, we would like to express our concern for the impact of any rise in the base flood elevation. One of our primary concerns would be the Duckett Creek Sanitary District Sewage Treatment Plant located at 2950 Greens Bottom Road which came within inches of being inundated during the Great Flood of 1993. In our opinion the EIS needs to address the issue of increased flood heights for St. Charles County and what would be done to minimize any impacts for the Duckett Creek facility.

We appreciate having this opportunity to comment and would request that St. Charles County continue to be kept informed of the status of this project through the EIS review process. If you have any questions concerning this matter please feel free to contact me at your earliest convenience.

Sincerely,

Steven G. Lauer
Director of Planning

cc: Joe Ortwerth, County Executive
Ed Siegmund, Assistant Director of Planning

MAR 24 11 10:34



MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180
Telephone: 573/751-4115 ♦ Missouri Relay Center: 1-800-735-2966 (TDD)

JERRY M. CONLEY, Director

March 22, 2000

2000 MAR 24 AM 10:33

Mr. Danny D. McClendon
Project Manager
St. Louis District Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, MO 63103-2833

Re: Howard Bend Floodplain EIS

Dear Mr. McClendon:

This letter is in response to your request for comments in reference to the March 9, 2000 meeting held for familiarizing the agencies with the proposed project. We appreciate the opportunity to speak one on one with the study principals and sponsors; the District is to be commended for taking the initiative for this effort. Properly conducted, some balance of national objectives may yet be achieved.

Your March 9 letter specifically requested input into the proposed scope of analysis and alternatives, and to relay any concerns or issues that may have arisen during the March 9 meeting. The content of this letter is to be included in your upcoming Public Scoping Meeting presently slated for April 13, 2000.

We are pleased to comply with your wishes in the spirit of moving the dialog for this project forward. However, as we learned during your March 9 meeting, the issues surrounding this topic are more complex than first meets the eye, therefore we consider this letter as a "preliminary view" of a work in progress. Our initial views are as follows:

Proposed Scope of Analysis

The "Intent to Prepare" declaration published in the January 26, 2000 Federal Register gives notice that an EIS to address cumulative and future impacts to the Missouri River floodplain resulting from permitted actions pursuant to Section 404, CWA will be prepared. According to the Council on Environmental Quality's regulations for implementing NEPA (5CFR § 1508.7), an action may cause cumulative impacts on the environment if its impacts overlap in space or time with the impacts of other past, present, and reasonably foreseeable future actions. Given this guidance, we view your proposed

COMMISSION

ANITA B. GORMAN

RANDY HERZOG

RONALD J. STITES

HOWARD L. WOOD

Mr. Danny McClendon
March 22, 2000
Page Two

study area of river mile 29.6 to 38.4 overly constraining to a true accounting of cumulative impacts attributable to the regulatory functions' program (action). Your proposal is a rebuttable presumption for three reasons: (1) the proposed study area provides an overly limited ability to assess fluvial geomorphologic and hydrologic impacts and (2) the natural resources listed in your notice of intent indicates the focus of the study is a river, or open environmental system. Frankly, 8.8 miles of study in such an environment will not yield reliable insights to the dynamics of the system under study. Catfish as a case in point have been found to migrate many miles within the Missouri River. Finally, (3) a narrow scope of study flies in the face of the "overlap" in space per CEQ guidance.

Conversely, we understand that there needs to be logical limits to the geographic scope of your analysis. Since one of our principal concerns focuses on the hydrology of past and future flood flows, one logical limit would be the area between the valley walls within the USGS's eight digit designation for the lower Missouri: Hermann to St. Louis. This would allow a more reasonable accounting of river and tributary hydrology and hydraulics, particularly related to flood frequency, location, peak discharge, bank and channel dynamics including such critical habitats as sand bars and chutes. Adoption of the USGS's designation would also facilitate collaboration with that agency.

Supplementary Information

Your Federal Register Notice of Intent correctly summarizes the sequence of events leading up to the present for St. Louis County from river mile 27.0 to 47.0. However, the dynamic nature of the Missouri River pays no heed to the arbitrary political or jurisdictional boundaries of the designated reach. Other activities by a wide array of entities both upstream from river mile 47 and downstream of river mile 27 on both banks have caused and will cause cumulative impacts to the resources of concern to the scope of your EIS. We do not recommend as comprehensive an accounting of these actions as those for the St. Louis County side, save to acknowledge they exist or may exist and will contribute to the District's actions under examination.

With reference to the activities listed for St. Louis County, your Supplementary Information notes the legal and administrative restrictions placed on many of these activities. Reference is also made to the complexity of existing mitigation arrangements. During your March 9, 2000 meeting, it became obvious that institutional knowledge of these arrangements is being lost or has been lost by the various entities present at the meeting.

The development of a comprehensive reference to these agreements in the EIS would first create a record of this public trust within your proposed study area, but our suggested study reach as well.

Mr. Danny McClendon
March 22, 2000
Page Three

Secondly, such a compendium would allow an analysis of whether past actions have avoided adverse impacts to the ecosystem under study. Further, the analysis should determine if the scope of mitigation plans already in place truly offset irreversible loss of valuable aquatic resources per CEQ guidance.

Alternatives

The Corps proposes three "available" alternative courses of action: (1) no action or no future permits; (2) permits on a case-by-case basis; and (3) a Howard Bend Strategic Area Management Plan. We would advocate a fourth alternative: a Strategic "Reach" Management Plan based on river and ecosystem needs as predicated on the cumulative and secondary impacts disclosed by our suggested study reach.

Scoping and Public Involvement

Your Notice of Intent outlines several key areas to be analyzed in depth. Again, with CEQ guidance in mind and given that the federal action in question is the regulatory program of the Corps of Engineers, we recommend that the factors under study follow and otherwise comply with the 404(b)(1) guidelines required of the Corps' regulatory process. Such a study outline would first be more comprehensive and secondly be more in keeping with the tenants of a programmatic EIS.

We appreciate the opportunity to review and comment on your present study status. We look forward to working with the St. Louis District on this endeavor since it portends a unique opportunity to address the cumulative impacts to a unique and valuable ecosystem. The lower Missouri River is not only an important resource to the St. Louis metropolitan area but is the threshold to the entire Missouri River Basin. The lessons learned during the course of your study may well be applicable to many present and coming issues of similar nature upstream.

Sincerely,



DANIEL J. WITTER
POLICY COORDINATION CHIEF

DJW:sf



Federal Emergency Management Agency

Region VII

2323 Grand Blvd., Suite 900
Kansas City, MO 64108-2670

March 23, 2000

U.S. Army Corps of Engineers
St. Louis District, ATTN: Regulatory Branch (McClendon)
1222 Spruce Street
St. Louis, MO 63103-2833

Dear Mr. McClendon:


Thank you for the opportunity to attend the Agency Scoping Meeting/ Workshop for the Howard Bend Floodplain Environmental Impact Statement (EIS). We understand the EIS will consider the effects of raising the Howard Bend levee to a 500+ year level of protection. We have two comments concerning the scope of the EIS.

The City of Maryland Heights, Missouri participates in the National Flood Insurance Program. As a condition of participation, the community adopts and enforces a floodplain management ordinance that meets the minimum requirements of 44 CFR 60.3. The Maryland Heights floodplain management ordinance actually exceeds the minimum requirements. All proposed work must comply with the community's floodplain management ordinance. Also, since the proposed changes involve a levee, the requirements of 44 CFR 65.10 should be considered.

The U.S. Army Corps of Engineers currently has a study underway that will change the profiles along the Lower Missouri and Upper Mississippi Rivers. The modified profiles may result in revised Flood Insurance Rate Maps (FIRM) at a later date. While there is no regulatory requirement to use the revised profiles until they are shown on an effective FIRM, the revised profiles should be considered in the EIS along with any plans to construct or improve levees along the Missouri River.

If there are additional questions, please contact Mr. Bob Franke at (816) 283-7073 or bob.franke@fema.gov. I may be contacted at (816) 283-7004.

Sincerely,


for Robert G. Bissell, Director
Mitigation Division

200 MAR 28 AM 8:25

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • Stephen M. Mahfood, Director

OFFICE OF THE DIRECTOR
P.O. Box 176 Jefferson City, MO 65102-0176

April 3, 2000

Mr. Danny D. McClendon
Project Manager
U. S. Army Corps of Engineers
St. Louis District
1222 Spruce Street
St. Louis, Missouri 63103-2833

Re: Howard Bend Floodplain EIS

Dear Mr. McClendon:

The Department of Natural Resources is submitting the following comments based on information provided at the March 9, 2000 agency scoping meeting on the Howard Bend Floodplain EIS. We commend the Corps of Engineers for undertaking a study involving cumulative impacts to environmental and cultural resources along the Missouri River.

Scope of Analysis and Alternatives

Your letter of March 9, 2000 requested comments on the proposed scope of analysis and alternatives. We understand that the City of Maryland Heights is funding this EIS, due to their interest in property along the right descending bank of the Missouri River. However, it would seem difficult, if not impossible, to fully assess "cumulative and future impacts to the Missouri River floodplain" without (at a minimum) studying impacts to both sides of the river. Overall impacts on flood heights and cumulative impacts on the floodway should be addressed in this EIS, if it is to meet its stated purpose.

We would like to see a backwater analysis accomplished that would assess the impacts during large flood events. The current scope of this EIS will not provide sufficient analysis of the potential impacts to resources on the opposite side of the river of raising the Howard Bend Levee (and the adjacent Monarch-Chesterfield Levee) to the 500+ year protection level. These resources include the Katy Trail State Park, First State Capitol State Historic Site and surrounding National Register of Historic Places Properties and Historic Districts in St. Charles County.

We hope that this study could be expanded to assess probable impacts to resources directly across as well as up and down river from the proposed study area. We also would prefer that this EIS be considered the first of a number of studies to assess cumulative impacts at critical areas along the Missouri River, especially areas where rapid development is anticipated.

Overall Comments

The notice of intent states that the EIS will "address the impacts to the environment for several large projects forecast in the future that may require Section 404 permits." While the NOI points out several large projects, such as levees raised or under construction in the area, Page Avenue and a proposed north/south connector road, more information is needed on "resultant commercial and industrial development and agricultural conversions" anticipated in the area. Presumably, increased levee protection and major new roadways will result in new development which will have impacts on the floodplain. The existence of high power utility lines in the floodplain indicate possible industrial development, as has occurred in the Chesterfield area. At the agency scoping meeting, land use maps previously developed for Maryland Heights were displayed, but these were somewhat dated, and proposed land uses for the floodplain should be defined in the EIS.

This raises several other questions we would like to see addressed in the Howard Bend Floodplain EIS:

- If the result of this EIS is to develop a mitigation plan for future development, thereby eliminating the need for a separate EIS for future projects, what would be the impact of building on or paving a high percentage of the floodplain? What would be the storm water runoff and other drainage impacts from such development in the floodplain, and how should they be mitigated? What are the anticipated impacts to wetlands in the area?
- What wetlands in the study area have been used as mitigation for the various projects planned, underway or completed? In order to ensure protection of these lands in perpetuity, they must be clearly defined. What impact would future development have on existing and future mitigation areas or other public trust lands?
- Possible impacts to Creve Coeur Lake Memorial Park. These should include visual and noise impacts as well, and suggested mitigation for such impacts. The viability of Land and Water Conservation Fund Section 6(f) lands recently added to Creve Coeur Lake Memorial Park should also be assessed. Consideration of the Page Avenue mitigation lands is considered essential to the SAMP, as they were set aside to help maintain outdoor recreation activities as well as the environmental integrity of the floodplain.

Program Comments

Searches of databases within the department's Hazardous Waste Program identified a number of facilities or sites that should be assessed as a part of this EIS. The program's comments and reports are enclosed.

The department's Historic Preservation Program identified a number of concerns, as follow:

- Numerous steamboat wrecks occurred along this reach of the Missouri River, a few of which are indicated on the attached topographic map. Wrecks may be still in the channel, are deeply buried in the present floodplain.
- Historic and prehistoric archaeological sites have been recorded and the potential for additional sites is very high.
- The Lewis and Clark expedition followed the Missouri River, with both popular history and scholarly research indicating the presence of camp sites. Geological, geographical, and historic sites may still be present as described in the expeditions journals that could be significant.

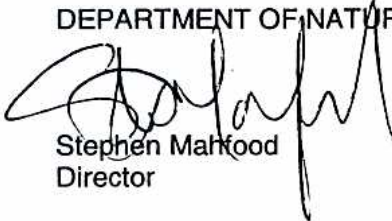
- At least three (3) phases of HPF funded historic architectural survey was conducted in the Boone-Duden area of South St. Charles County. Individual properties, districts and rural cultural landscapes have been identified which may be eligible for inclusion in the National Register of Historic Places.
- City of St. Charles has several National Register listed properties and districts (see attached), included but not limited to the First Missouri State Capitol Buildings; Lindenwood Hall; Old City Hall; St. Charles Historic District and expansions; Frenchtown Historic District; and the St. Charles Odd Fellows Hall.

The department's Division of Geology and Land Survey expressed concerns regarding earthquake hazards in the floodplain. Floodplain sediments are the soil type most susceptible to liquefaction - the movement of the earthquake causes the sediments to act as a fluid. Floodplain sediments can literally flow out from underneath structures, causing the structures to collapse.

The Department of Natural Resources commends the Corps of Engineers for being proactive in promoting use of a Strategic Area Management Plan (SAMP). We hope that the SAMP would serve as a valuable resource for future environmental decision making in the project area, and an example that can be followed in similar areas.

Sincerely,

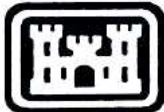
DEPARTMENT OF NATURAL RESOURCES



Stephen Mahtood
Director

SM:bjj

c: Jerry Conley, Director, Missouri Department of Conservation
Dennis Grams, Regional Administrator, U.S. EPA, Region VII
Mark Wilson, Field Supervisor, U.S. Fish and Wildlife Service



**US ARMY CORPS
OF ENGINEERS**
St. Louis District

Public Notice

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-CO-F
1222 Spruce Street
St. Louis, MO 63103-2833

Public Notice No.

P-2216

Public Notice Date

April 4, 2000

Expiration Date

Postmaster Please Post Conspicuously Until: April 13, 2000

SPECIAL PUBLIC NOTICE OPEN PUBLIC WORKSHOP

Interested parties are hereby notified that the U.S. Army Corps of Engineers, St. Louis District, Regulatory Branch and the City of Maryland Heights will be holding an open **Public Workshop** on **April 13, 2000**, to obtain comments and to receive feed-back from the public on a proposed Draft Environmental Impact Statement (DEIS). The St. Louis District, U.S. Army Corps of Engineers, Regulatory Branch has announced that a DEIS will be prepared to address cumulative and future impacts to the Missouri River flood plain, resulting from permitted actions evaluated under Section 404 of the Clean Water Act. The study area is from approximate Missouri River mile 29.6 to 38.4, along the right descending bank of the Missouri River in St. Louis County, Missouri. Most of this area of flood plain is currently protected by the Howard Bend Levee, which connects to the Riverport Levee. No pending regulatory permits are required at this time for proposed development projects within this area. However, it is the intent of the St. Louis District to prepare a DEIS to address the cumulative impacts that have occurred to the aquatic resources in this area from permitted activities, as well as to address the impacts to the environment for several large projects forecast in the future, that may require Section 404 permits. The public workshop will provide the public the opportunity to view the proposed study area, large-scale maps, ask questions about the study area, discuss potential alternatives, discuss wetlands, fish and wildlife resources and potential mitigation issues, and to provide comments on the proposed study. No formal presentations will be given at the public workshop. It will be an open workshop and will be held:

WHEN: April 13, 2000.

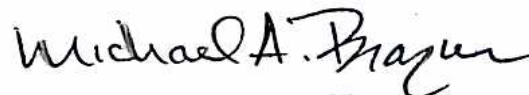
TIME: 4:00 p.m. until 8:00 p.m.

WHERE: City of Maryland Heights Community Centre
2344 McKelvey Road
Maryland Heights, Missouri

During the last 25 years, the Missouri River flood plain between approximate Missouri River miles 27.0 (Earth City Levee) and 47.0 (Monarch-Chesterfield Levee) in St. Louis County, Missouri, has been subjected to extensive levee construction and development for agricultural, industrial, and commercial purposes. These activities have impacted the aquatic environment and fish and wildlife resources in this reach of flood plain. Construction of the Earth City Levee to a 500-year level of protection in 1972, construction of the Riverport Levee to a 500-year level of protection in 1988, reconstruction and recertification of the Monarch-Chesterfield Levee to a 100-year level of protection in 1997 and current proposal to raise this levee to a 500+-year level of protection, reconstruction of a portion of the Howard Bend Levee to a 100-year level of protection in 1996 and current proposal to raise this levee to a 500+-year level of protection, current construction of the Page Avenue Extension Project, the proposal to construct the Earth City Expressway Extension, and resultant commercial and industrial development and agricultural conversions has resulted in a disjointed analysis of natural resource impacts in relation to Section 404 of the Clean Water Act. The St. Louis District, Corps of Engineers is currently preparing an EIS for the Monarch-Chesterfield Levee project. In addition, the Missouri Department of Transportation completed an EIS for the Page Avenue Extension Project in 1992, and the National Park Service completed a Supplemental EIS for the Page Avenue Extension Project in 1995. Therefore, the scope of this current DEIS will focus on the section of Missouri River flood plain between the Monarch-Chesterfield Levee and Interstate 70, and a north/south connector road corridor running through the Howard Bend flood plain, with a beginning point at Interstate 70 and a terminus at Olive Boulevard, between Route 141 (Woods Mill Road) and Creve Coeur Mill Road. This DEIS will not reevaluate the Page Avenue Extension Project, the Monarch-Chesterfield Levee Project, the Riverport or Earth City Levees, or any other previously approved or permitted projects by the Corps of Engineers located in the study area. However, the DEIS will take into account the cumulative and secondary impacts of these projects on the remaining aquatic resources within the study area, and address any special conditions or requirements of these previous projects.

The St. Louis District has identified 3 alternative courses of action available: 1. The "no action" alternative would be to not grant any future Section 404 permits within the study area; 2. Continue to process Section 404 permit applications on a case-by-case basis for future developments within the Howard Bend Flood Plain study area, without developing a Strategic Area Management Plan (SAMP); and 3. Evaluate the environmental effects of future developments within the Howard Bend Flood Plain study area leading to the development of a Strategic Area Management Plan (SAMP) to address the cumulative and secondary impacts of developments in this area, and develop a comprehensive plan to protect or mitigate important aquatic resources due to permitted activities.

Public involvement will be sought during scoping and conduct of the study in accordance with NEPA procedures. A public scoping process will help to clarify issues of major concern, identify any information sources that might be available to analyze and evaluate impacts, and obtain public input on the range and acceptability of alternatives. Comments on the scope of the proposed DEIS will be accepted for 30 days after the date of the public workshop. Interested parties are encouraged to attend this workshop at their leisure anytime during the workshop. No set or formal presentations will be held. Additional opportunities for comment will be available after the DEIS is released in the Fall of 2000. Comments and requests for additional information should be mailed to the U.S. Army Corps of Engineers, ATTN: CEMWS-CO-F (Danny McClendon), 1222 Spruce Street, St. Louis, Missouri 63103-2833.


MICHAEL A. BRAZIER
Chief, Regulatory Branch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JUN 23 2000

200 JUN 29 AM 9:12

Danny McClendon
Regulatory Project Manager
Army Corps Of Engineers
1222 Spruce Street
St. Louis, MO 63103-2833

Dear Mr. McClendon:

re: Howard Bend Floodplain Environmental Impact Statement

This letter is in response to your request for comments on the proposed St. Louis District (SLD) Army Corps of Engineers Howard Bend Floodplain EIS. The Environmental Protection Agency (EPA) has reviewed the project materials distributed at the March 9, 2000 Agency Scoping meeting and subsequent agency comment letters received by the SLD.

The Federal Register Notice of Intent (NOI), dated January 26, 2000, indicates the Corps wishes to conduct a study that will examine the cumulative and future impacts to the Missouri River Floodplain from Clean Water Act, Section 404 permitted actions. Furthermore, the NOI states the geographical scope will be limited to the Howard Bend Floodplain. While this is a compact and limited geographical area, considering the interactions and magnitude of environmental stresses in this region, EPA believes that useful scientific information may be attained from this EIS which may be used to assist the Corps in local, regulatory planning activities.

Clarification, however, is needed in several important aspects of this proposal in order to ensure a successful and beneficial EIS. Through the scoping process, a clear Purpose and Need for the EIS still needs to be identified. Objectives and goals need to be defined indicating what this study hopes to accomplish, how the information that is generated and compiled will be used, and what the limitations are of such a compact, cumulative study. For instance, it would be unrealistic to expect this EIS to solely satisfy the cumulative effects analysis requirements of future projects within, or affected by, the study area. Additionally, not all possible and reasonable future actions and their ensuing effects could be forecast at this point in time, in the proposed EIS.



JUL-13-2000 10:40 CU-F 3143318741 P.03/03

The No-Action Alternative is unclear. The Corps states that the no-action alternative will be to not grant any future Section 404 permits and a moratorium on all permit applications until a comprehensive Resource Management Plan is complete. From the information supplied, it would seem that this alternative would be an action alternative and that continuing to process Section 404 permits on a case by case basis would be the No-Action Alternative. If this is incorrect, please provide EPA with further explanation.

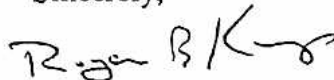
EPA supports the Missouri Department of Conservation (MDC) suggestion that a Strategic Reach Management Plan be considered as an additional alternative and that the Herman to St. Louis region is acceptable. EPA believes information generated by this EIS may initiate a more comprehensive research study into the anthropogenic stresses imposed upon the river basin and associated ecosystems which could further support a larger, Programmatic EIS. A Strategic Reach Management Plan alternative may be the catalyst for such a much needed study.

The SLD states that it will not re-open previous EIS's from the surrounding area, or previously approved or permitted projects in the study area. While the Corps may not be legally obligated to revise previous studies or re-consider previous projects because of this undertaking, EPA recommends and encourages that information from previous studies or EIS's be used where applicable in this EIS. The very nature of this cumulative effect study will most likely require information that has been generated from those prior studies and on-going studies, such as the Monarch-Chesterfield EIS.

EPA recommends that the environmental baseline be discussed among the agencies early on in the scoping process. The natural resources located within the study area require further definition and the methodologies that will be used to determine cumulative impacts to these resources need to be addressed. EPA also suggests that the EIS study account for "development-driven" secondary impacts to the resources in the immediate area and downstream areas. Ultimately, the value of this EIS lies with the validity of the scientific information generated and how that information will be used.

EPA commends the initial efforts undertaken by your office in the NEPA planning process and for seeking interagency coordination and participation. Should you have any questions about this letter, or need further assistance, please contact me at 913-551-7551.

Sincerely,



Royce B. Kemp

NEPA Team

Environmental Services Division

cc: Joe Bachant, MDC
John Madras, MDNR
Mark Wilson, USFWS

June 30, 2000

Ms. Teresa J. Price
Director of Planning
City of Chesterfield
16052 Swingley Ridge Road
Suite 100
Chesterfield, MO 63017-2080

Re: Petition Numbers 09-2000 & 10-2000
Levinson Building & Realty, Inc.

Dear Ms. Price:

This is to request that the City of Maryland Heights be given the opportunity to offer its comments on the above petition. As you are aware from the comments offered by the Missouri Department of Transportation, this development is within the corridor under consideration for the extension of Earth City Expressway from Olive Boulevard to Page Avenue. This area has also been identified as part of the Howard Bend Flood Plain Area, which is the subject of an Environmental Impact Statement sponsored by the Army Corps of Engineers and being funded by the City of Maryland Heights. We believe it is critical that the proposed re-zoning and associated development be considered within the context of the Howard Bend EIS.

Development within the flood plain and floodway corridor, such as the Levinson proposal, has potential for substantial environmental impacts. Accordingly, the project merits a detailed and thorough review to insure the public interests are protected. While I understand that your staff has considered these issues, the City of Maryland Heights may be in a stronger position to prepare this analysis as part of the Environmental Impact Statement.

Of course, our ability to offer this analysis of the proposal is severely constrained by the current schedule, as it is my understanding that the Plan Commission has the petition on its agenda for recommendation on July 10, 2000. Therefore, I would request that the matter be postponed until at least July 24th, so our staff and our environmental consultant, Environmental Science and Engineering, have sufficient time to review the proposal and prepare their

comments.

While I understand the need of any property owner and/or developer to have their petition processed in an expeditious manner, the City does not want to cause undue delay in this process. However, in light of the potential impact on the environmental resources of the site, as well as the future roadway improvements that will be beneficial to not only our respective cities, but the region as well, the additional time requested to insure good planning is certainly warranted.

Thank you for your consideration in this matter. Please advise either my self or J. Wayne Oldroyd, Director of Community Development of your decision on this request.

Sincerely,

Michael T. O'Brien
Mayor

CC – Mayor Nancy Greenwood

/jc

ENVIRONMENTAL SCIENCE & ENGINEERING, INC.
MEMORANDUM
ST. LOUIS, MISSOURI

TO: Wayne Oldroyd Bryan Pearl File 510056.3000	FROM: Bruce McNitt DATE: October 25, 2000 SUBJECT: Route 141 Improvement Connection at Olive Road
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The improvement study for Route 141 from Ladue Road north to Olive Road is currently being studied by the Missouri Department of Transportation (MoDOT). It is the Howard Bend study team's understanding that this study is in its final stages of alternative analysis. At a previous public informational meeting conducted by MoDOT, indications are that MoDOT's preliminary inclination is the upgrade of the existing alignment for Route 141. Environmental Science & Engineering, Inc. (ESE) also understands that an optional alignment for a relocated Route 141 east of the existing alignment is not considered favorable because of the potential environmental impacts to an existing creek system. ESE also understands that the U.S. Corps of Engineers (USCOE)-St. Louis have indicated a preference for the upgrade of the existing alignment.

The Howard Bend study team believes that a dialogue with MoDOT regarding the ultimate decision for improvement to Route 141 is critical at this time. The proposed use of the reserve corridor for the Earth City expansion appears to be the most sensitive and least intrusive impact for routing of the roadway south of Page Avenue to Olive Road. Should an upgrade of the existing alignment be selected south of Olive Road for Route 141, a cost-effective and efficient connection for the two new improved facilities (Route 141 north to Olive Road and Earth City Expressway Extension, south to Olive Road) would be difficult. Constraints within the corridor north of existing Olive Road at the Route 141 intersection include commercial development, existing established residential neighborhoods, and steep topography.

In addition, failure to join these two improved facilities with an efficient and well-conceived connection will severely impact the transportation efficiency of these two improvements. Our preliminary traffic analysis has determined that two major issues arise:

- 1) Reduced volumes for the Route 141 and Earth City Expressway Connection resulting in added volume to local neighborhood collector streets.
- 2) Significant reduction in the level of service on Olive Road between the intersection at existing Route 141 at Olive Road and the proposed intersection of Earth City Expressway and Olive Road, located 0.6 mile to the east.

It is our understanding that Olive Road would maintain a similar level of service and traffic volumes should a direct connection be made from Route 141 to the Earth City Expressway Extension.

ESE recognizes the environmental issues that a relocated Route 141 could spawn but also recognizes the importance of a well-conceived connection for the improvement at Olive Road. ESE would like to meet with MoDOT to discuss this connection and the transportation characteristics and environmental impacts that the various connections would have for the Earth City Expressway Connection in more detail.



Environmental Science & Engineering, Inc.

A MACTEC COMPANY

December 21, 2000
510056

Mr. John Pellet
President
Howard Bend Levee District
13126 Parkland Woods Court
Maryland Heights, Missouri 63043

RE: Capacity of Primary Conveyance Areas

Dear Mr. Pellet:

As part of the Howard Bend Study, Harding ESE, Inc. needs to ascertain the capacity of the primary stormwater conveyance areas to accommodate future development within the study area. It is our understanding that the conveyance areas have adequate capacity to carry upstream stormwater flows as well as future development stormwater.

Harding ESE is seeking assurance as well as guidance on the capacity of these primary conveyance areas to accommodate differential runoff from future impervious surfaces.

It is our understanding that the levee's stormwater consultant, Horner & Shifrin, has been planning for differential runoff in the primary conveyance areas. We would appreciate a written confirmation that this added capacity has been considered and the estimated acreage of pervious vs. impervious that has been calculated. This would be extremely helpful in our environmental impact analysis.

Mr. Pellet, thank you for your assistance on this matter.

Sincerely,

HARDING ESE, INC.

Bruce C. McNitt

Bruce C. McNitt
Vice President

pc: Wayne Oldroyd, City of Maryland Heights
Gene Rovak, Horner & Shifrin
Dan Human
Raymond Steege, Harding ESE

Husch & Eppenberger, LLC
Attorneys and Counselors at Law

231 South Bemiston, 8th Floor
Clayton, MO 63105-1914
314.727.5822
314.727.2824 fax

January 19, 2001

Mr. Ray Steege
Environmental Science & Engineering, Inc.
3199 Riverport Tech Center Drive
Maryland Heights, MO 63043

Re: Howard Bend Levee District Wetland Delineation Reports

Dear Ray:

Enclosed are copies of three Wetland Delineation Reports which were prepared for the Howard Bend Levee District with respect to the property impacted by the levee construction.

I thought you would want to have a copy of this in connection with the Environmental Impact Statement preparation. We are proceeding with confirmation of these delineations through the NRCS.

Please let me know if you have any questions or comments regarding the enclosed. We would certainly authorize you to work with Frank Norman of Burns & McDonnell regarding the enclosed reports or other wetland matters within the District. His telephone number is 816-822-3484.

Sincerely yours,

HUSCH & EPPENBERGER, LLC



Daniel L. Human

DLH/df
Enclosures

Mr. Ray Steege
Environmental Science & Engineering, Inc.
January 19, 2001
Page 2

COPY TO:

Mr. Leo Ebel
Horner & Shifrin, Inc.
5200 Oakland Avenue
St. Louis, MO 63110

Mr. John K. Pellet
13126 Parkland Woods Ct.
Maryland Heights, MO 63043

Mr. Wayne Oldroyd
City of Maryland Heights
212 Millwell Drive
Maryland Heights, MO 63043



16052 Swingley Ridge Road • Suite 100 • Chesterfield, MO 63017-2080
Phone: 636-537-4000 • Fax: 636-537-4798 • www.chesterfield.mo.us

March 20, 2001

Mr. Bruce C. McNitt
Vice President
Harding ESE
3199 Riverport Tech Center Drive
St. Louis, Missouri 63043

RE: Howard Bend Levee/Route 141 EIS

Dear Mr. McNitt:

Enclosed, is the information you requested in our meeting held on March 15, 2001, regarding the above referenced subject. Please note that I did not include a copy of the zoning map for the area adjacent to the St. Louis City Waterworks. This entire area is zoned Floodplain Non-Urban (FPNU).

I hope this information assists you in the preparation of the EIS. If you have any questions, or need additional information, please advise.

Sincerely,

Brian McGownd, P.E.
Deputy Director of Public Works/Assistant City Engineer

cc: Mike Geisel, Director of Public Works/City Engineer
Teresa Price, Director of Planning

MISSOURI COALITION FOR THE ENVIRONMENT

6267 Delmar Blvd. 2-E • St. Louis MO 63130 • 314-727-0600 Fax: 314-727-1665 • moenviron@moenviron.org • www.moenviron.org



September 10, 2001

2001 SEP 12 PM 2:20

Danny McClendon
Regulatory Branch
U.S. Army Corps of Engineers
1222 Spruce Street
St. Louis, Missouri 63103-2833

Re: Howard Bend Levee

Dear Mr. McClendon:

The intent of this letter is to refine the issues for discussion at our meeting on September 19, 2001 at your office. In general, it appears to us that activities of the Howard Bend Levee District (HBLD) may be in violation of section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899, and have activated special conditions of the section 404 permit issued for the Page Avenue Extension (Permit No. 93-00264). We are also concerned that the cumulative effects of raising both the Monarch-Chesterfield levee and the Howard Bend levee will cause an increase in flood heights greater than that permitted by law.

Our specific concerns are:

1.) *Crossing of Creve Coeur Creek.* The Howard Bend levee currently crosses Creve Coeur Creek just to the east of the MSD plant. It is unclear to us how the new levee will cross the creek without triggering either section 404 or section 10. It seems beyond dispute that the area of the crossing contains waters subject to both the Clean Water Act and the Rivers and Harbors Act. Under the Earth City Consent Decree and other laws, the Corps is required to assert its section 10 jurisdiction up tributaries of the Missouri River to the extent of the ordinary high water mark. The current construction on the levee appears to be in violation of federal law due to HBLD's failure to secure a permit for the crossing of Creve Coeur Creek.

Moreover, the Corps has not yet provided us with any evidence that a permit was granted for the construction of the original earthen levee through the creek or for the construction of a concrete floodwall on top of the earthen levee after the 1993 flood. In what appears to be a blatant attempt to circumvent federal law, we understand that the HBLD constructed a short section of floodwall on top of the earthen levee through Creve Coeur Creek sometime after the 1993 flood. The floodwall has no independent utility without a similar increase in the height of the remainder of the levee. This would seem to be subject to section 10 and also a modification of the permit we assume was granted for the original construction through the creek. Moreover, it is clearly an integral part of current efforts to raise the entire levee.

The Corps' FOIA office has not yet produced any documents relating to the legality of the levee crossing Creve Coeur Creek without a permit. It would be most helpful if you could provide a response to our requests prior to the meeting on the 19th.

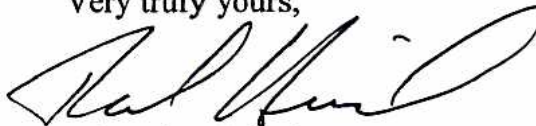
2.) *Jurisdictional Wetland Determinations.* We have tried for well over a year now to obtain documents from the Corps showing the jurisdictional wetland determinations for the plan to raise the Howard Bend levee. In response, your FOIA office has said the documents have either been lost or never existed. This response is very troubling and indicates the Corps may not be carrying out its regulatory oversight responsibilities. The National Wetland Inventory maps prepared by the Fish & Wildlife Service show a number of wetlands along the route of the new levee. It is unclear to us whether the Corps has reviewed these maps or otherwise checked the wetland determinations of the HBLD.

3.) *Page Avenue Extension Permit Conditions.* Special condition "s" in the Page Avenue section 404 permit requires that an EIS be prepared if any facility that increases flood protection is connected to the Page Avenue Extension. The proposed 500-year levee fits this criteria. Why isn't the construction of the levee a violation of this condition? The EIS that is apparently underway for development in the Howard Bend floodplain does not satisfy this condition because NEPA requires compliance with its terms *before* a project is begun, much less completed.

4.) *No-Rise Certification.* Part of the Howard Bend levee will be located in the regulatory floodway. Federal law prohibits construction in the floodway if it will cause more than a one-foot rise in the base flood elevation. Documents obtained by the Coalition show that the Corps has knowledge that the Howard Bend levee combined with the Monarch-Chesterfield levee will cause more than a one-foot rise in the base flood elevation. (copy enclosed). In light of this evidence, it is unclear: 1) why this project is permissible and 2) why FEMA accepted the levee district's "no-rise certification" that purportedly showed zero effect on flood elevations.

I hope that prior notification of these issues will allow you to provide answers at our meeting on the 19th or take other appropriate action. Please call if you have any questions.

Very truly yours,



Edward J. Heisel
Senior Law & Policy Coordinator

cc: David Asbed, USACE, Office of Counsel
Bob Franke, FEMA
George Riedel, SEMA

DRAFT
ENVIRONMENTAL SCIENCE & ENGINEERING, INC.
MEMORANDUM
ST. LOUIS, MISSOURI

TO: File 5100-056-1000

FROM: Bruce McNitt

DATE: June 21, 2000

SUBJECT: Howard Bend, June 8, 2000
Agency Meeting Minutes

Attendees:

Wayne Oldroyd	City of Maryland Heights
John Howland	MoDOT
Danny McClendon	USCOE
Joe Hughes	USCOE, Kansas City
Bill Levins	USCOE
Mike Brazier	USCOE

Vanessa Madden	USEPA
Rick Hansen	USFWS
Joe Bachant	MDC
Tom Lange	MDNR
Bruce McNitt	ESE

pc: Raymond Steege
Kris Erickson

An agency coordination meeting was held on June 8, 2000 at the Runge Nature Center in Jefferson City, Missouri.

- 1) Danny McClendon stated that according to Dennis Stephens, who is modeling the new Missouri River profiles for the USCOE, a 1-foot rise would occur in the floodplain elevation when Monarch/Chesterfield and Howard Bend Levees are combined in the model. Mr. Stephens can provide more exact elevation differences for each action independently.
- 2) Introduction by Danny McClendon—Purpose of the meeting and review of past information with regards to agency comments.
- 3) Kathryn Erickson needs to compile public comments for Danny McClendon (Kathryn completed 6/19/00).
- 4) The new flood profiles should be included in the EIS, but are still 3 years away from final completion.
- 5) MDNR supported development of a SAMP.
- 6) Danny McClendon provided a brief overview of the letters received to date in response to the first agency meeting.
- 7) Jason Clark has left USEPA. Royce Kemp is taking over the project but he could not attend the meeting.
- 8) USFWS—Preparing coordination application for Monarch EIS. Rick Hansen wants consideration of larger geographic areas to include Howard Bend EIS.

- 9) Tom Lange asked if there is a cooperating agency? USCOE is in the process of getting FHWA on board as sponsoring agency.
- 10) Tom Lange asked, "Why FHWA?"—Our scope is looking at meeting 141 at Olive where MoDOT is studying Ladue to Olive.
- 11) Tom Lange did not see the need for FHWA as a cooperating agency.
- 12) Wayne Oldroyd provided an overview of the land planning endeavor and how this planning process would coordinate with the Howard Bend Stormwater Management Plan.
- 13) Rick Hansen of USFWS—How was Subpart "R" written into the Page Avenue EIS and who was responsible? Danny McClendon explained in detail and how USCOE was involved in the Page project and were the agency responsible for Subpart "R."
- 14) Rick Hansen—Believes Monarch/Chesterfield Levee and Howard Bend, etc. as connected actions.
- 15) FEMA/SEMA asked (Hansen) New Rules profiles - 2 to 3 years away.
- 16) USCOE believes flood profiles for Mississippi River will go down.
- 17) USCOE is not sure on Missouri River flood levels.
- 18) Howard Bend Levee is not going to be built in regulated floodway. No fill will occur in regulatory floodway.
- 19) If levee is built today before new profiles are in affect, levee would be grandfathered.
- 20) If a USCOE project causes increased rise in flood elevations, new guidance at USCOE states that USCOE must procure flood (flowage) easements.
- 21) How do you evaluate secondary and cumulative impacts? Danny McClendon reiterated secondary and cumulative are in a floodplain area behind the levee and not in the floodway.
- 22) Danny McClendon asked what the benefits of a comprehensive study from Herman to the confluence of the Mississippi River would be. How would this work? This EIS is not the catalyst to study the river comprehensively. What are the agencies looking for? Who should be responsible for this type of initiative?
- 23) Danny McClendon presented the concept of removing Subpart "R" as a condition of the Page Avenue EIS.
- 24) MDC—It is a "crap shoot" to come out with an EIS (for City/USCOE) prior to the final flood profiles being developed.

25) CEQ cumulative impact assessment, procedures and protocol should be reviewed in detail (Ray and Kris need to discuss).

26) Royce Kemp at USEPA conveyed through Vanessa Madden that the geographic scope for EIS was adequate.

See attached handout provided at the meeting.



CITY OF MARYLAND HEIGHTS

212 MILLWELL DRIVE • MARYLAND HEIGHTS, MISSOURI 63043
TEL 314-291-6550 • FAX 314-291-7457 • WWW.MARYLANDHEIGHTS.COM

October 3, 2001

Bruce McNitt
Harding ESE
3199 Riverport Tech Center Drive
St. Louis, MO 63043

Re: Final Draft: Howard Bend Land Use Plan

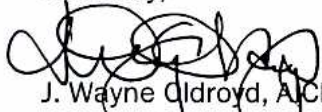
Dear Mr. McNitt:

At their meeting on September 25, 2001, the Planning Commission voted to accept the Final Draft of the Howard Bend Land Use Plan as prepared by Horner & Shifrin, Inc. and McBride Dale Clarion, dated September 5, 2001 as the resource document for the amendment to the Comprehensive Plan. Staff will no prepare the Comprehensive Plan amendment for a public hearing on November 13, 2001. Therefore, you are directed to do the following:

1. Review the draft document (attached) to determine if it contains the information required for the Howard Bend Flood Plain EIS. Please furnish your comments in writing to staff by October 10, 2001.
2. Complete the analysis of secondary and cumulative impacts as related to future land use for inclusion in the EIS.
3. Attend the public hearing to record public comment related to the adoption of the Comprehensive Plan amendment.
4. Provide an updated schedule of the EIS process, including projections of public hearing dates.

If you have any questions regarding this matter, please contact me at your earliest convenience.

Sincerely,


J. Wayne Oldroyd, AICP
Director of Public Works

CC - Michael T. O'Brien, Mayor
Mark Levin, City Administrator
Howard Paperner, City Attorney
Bryan Pearl, Director of Public Works
Ray Steege, Harding ESE



16052 Swingley Ridge Road • Suite 100 • Chesterfield, MO 63017-2080
Phone: 636-537-4000 • Fax: 636-537-4798 • www.chesterfield.mo.us

October 17, 2001

Mr. Patrick Worzer
Land Design Services, Inc.
11920 Westline Industrial Drive
St. Louis, Missouri 63146
PHN (314) 991-1818
FAX (314) 567-7442

Subject: Revised Flood Study Review Comments for
Mill Valley Estates

Dear Mr. Worzer:

The City of Chesterfield Department of Public Works has reviewed your Revised Flood Study for the above referenced project and has the following comments:

1. As previously indicated, provide CORPs of Engineers' approval for the alterations of the floodway and to ensure that the rare wooded wetlands in the northern section and the wetlands on the southern section of the site are not adversely impacted. The City appreciates a copy of the November 25, 1998. Please show the approximate locations and area of these wetlands on the plan, as the wetlands in the northern section of the site are not well defined in the attachments.
2. As previously indicated, ensure that all provided calculations/output are legible (alphabetical and numerical characters must be greater than 0.08 inches).
3. As previously indicated, explain how the existing riverbanks will be modified to handle the additional velocities.
4. Provide contours (label existing contours periodically please) and improvements (structures, etc.) around the perimeter of the site. Provide this information 150' from the property line.
5. Provide approval from the Missouri Department of Transportation on the location of the corridor, the flood study and the size and configuration of the piers.
6. A site visit indicates that several of the revisions made between the duplicate effective model and the corrective effective model are questionable. Although it is stated that these revisions were made based off of MSD's orthotopo maps, it is debatable that these revisions accurately represent current conditions (example RS 32,440).
7. It is apparent that the cross-section at RS 28,865 is extremely optimistic. More cross-sections must be used to better model the turn the water must negotiate through this stretch of creek. The additional cross-sections must depict the existing home. The orientation of the cross-sections is very important throughout this area.

8. Please revisit the ineffective flow areas, from the cross-section at RS 30,160 through RS 29570. The area that conveys flow along the right bank is not an effective flow area. Please see the calculation booklet for clarification.
9. Provide additional cross-sections between RS 28,865 and 27,670. There is too large a gap between these cross-sections.
10. Method 5 was utilized for the encroachment for the floodway models. Method 5 is best suited for steep, fast moving, well defined, uniform streams. Since the target stream does not conform to all of these criteria, please explain why method 5 was chosen over method 4 to calculate the floodway models.

It appears as though a meeting between the City of Chesterfield and Land Design Services, Inc. may be advantageous. Please call the City of Chesterfield and schedule an appointment at your convenience. A site visit may be incorporated into the scheduled meeting.

For your use, the City is returning the calculations booklets and the plan with notes for ease in revisions. These marked-up booklets and plan must be returned to the City with the revised submittal. For future submittals please make sure that two copies of the calculations booklets and the plan are provided for review. It is important to note that the information requested above, once provided, may result in further comments and questions from the City of Chesterfield Department of Public Works.

Should a meeting to discuss these comments be deemed helpful, please feel free to contact me and schedule a meeting.

Sincerely



Leslie Sawyer-Sagehorn, P.E.
Civil Engineer

Cc: Michael O. Geisel, Director of Public Works/City Engineer
Brian McGownd, Deputy Director of Public Works/Assistant City Engineer
Bonnie Hubert, Superintendent of Engineering
Ed Levinson, Levinson Building & Realty, Inc., P.O. Box 39, Chesterfield, Missouri 63005
Bryan Pearl & Wayne Oldroyd, City of Maryland Heights, 212 Millwell Drive, Maryland Heights, Missouri 63043
Danny McClendon, Regulatory Branch Manager, Army Corps of Engineers, 1222 Spruce Street, St. Louis, Missouri 63103-2833
Federal Emergency Management Agency, Mitigation Division, 2323 Grand Boulevard, Suite 900, Kansas City, Missouri 64108



CITY OF MARYLAND HEIGHTS

212 MILLWELL DRIVE • MARYLAND HEIGHTS, MISSOURI 63043
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November 28, 2001

NOV 30 2001

Mr. Bruce McNitt
Harding ESE
3199 Riverport Tech Center Drive
Maryland Heights, MO 63043

Re: Wetland Conservation Determination (NRCS-CPA-026E)

Dear Mr. McNitt:

Enclosed is correspondence from the Natural Resource Conservation Service dated November 19, 2001 regarding a wetlands determination on the Sportport property. Please review and advise as to what action, if any, the City should take in this matter.

As the response time is limited to thirty (30) days, your prompt response is appreciated.

Sincerely,

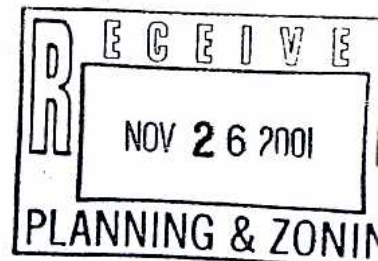
J. Wayne Oldroyd, AICP
Director of Community Development

CC - Mark Levin
Bryan Peari
Howard Paperner

JWO/jc



USDA Service Center
160 St. Peters Centre Blvd.
St. Peters, MO 63376
(636) 922-2833 ext. 3



CERTIFIED MAIL

November 19, 2001

City of Maryland Heights
212 Millwell Drive
Maryland Heights, MO 63043-2512

Dear City of Maryland Heights:

Enclosed is the Highly Erodible Land and Wetland Conservation Determination Form NRCS-CPA-026E (supersedes all others delivered) for the City of Maryland Heights farm in St. Louis County, F#1082, Tract 1226. The determinations are a result of the field visit that was completed Jamie Salvo, SWCD Resource Conservationist, and Allan Johnston, WETS/TL, on November 6, 2001. We have determined the areas noted on the enclosed form meet the current prior converted cropland criteria on cropland & farmed wetland criteria.

If you agree with the determinations, they will be considered final in 30 days and become part of your case file. The wetland determinations will serve as a reference in the development of a conservation plan, determining some program eligibility, etc.

If you disagree, you can request a field visit and/or mediation with me within the next 30 days while the determinations are still preliminary. If I have not received any notification from you within the next 30 days, I will change the determinations to final.

1. **Request a field visit** – A field visit with you would include a review of the data we gathered to make the wetland determination. Any questions you have concerning the determination would be answered. Also, if you can provide us with additional technical information, we will use it for possible changes.
2. **Request mediation** - Mediation is a process in which a trained, impartial person would help us look at mutual concerns, consider options, and determine if we can agree on a solution. The mediator has no decision making authority, but may be able to help us reach a mutually agreeable decision. We can provide you with a pamphlet from Lincoln University on Missouri's Agricultural Mediation Program.

If you do not wish to request a field visit or mediation, you can appeal to the County FSA Committee (COC) within 30 days after the determinations become final. Only final determinations can be appealed to the COC. If you want to appeal immediately, you may do so through a process called



HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address:	City of Maryland Heights	Request Date:	7/20/01	County:	St. Louis
Agency or Person Requesting Determination:	City of Maryland Heights	Tract No:	1082	FSA Farm No.:	1226

Section I - Highly Erodible Land

Is a soil survey now available for making a highly erodible land determination?	Yes
Are there highly erodible soil map units on this farm?	No

Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

Field(s)	HEL(Y/N)	Sodbust(Y/N)	Acres	Determination Date
1	N	N	12.4	12/21/87
2	N	N	15.3	12/21/87

The Highly Erodible Land determination was completed in the-Office

Section II - Wetlands

Are there hydric soils on this farm?	Yes
--------------------------------------	-----

Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

Field(s)	Wetland Label*	Occurrence Year (CW)**	Acres	Determination Date	Certification Date
1	PC/NW		5.7	11/6/01	11/6/01
1	FW		6.7	11/6/01	11/6/01
2	PC/NW		9.4	7/9/97	7/9/97
2	PC/NW		5.9	11/6/01	11/6/01
UN	NI		6.3	7/9/97	

The wetland determination was completed in the -Field It was -mailed to the person on 11/20/01.

Remarks: Supercedes all previous determinations delivered.

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature Designated Conservationist	Date
<i>Genee A. Cook</i>	11/19/01

Buzz Westfall
County Executive

Saint Louis
COUNTY
PARKS

Genie Zakrzewski, CPRP
Director of Parks & Recreation

February, 2002

RECEIVED
FEB 13 2002

Mr. Eric Westis
Harding ESE, Inc.
3199 Riverport Tech Center Drive
St. Louis, MO. 63043

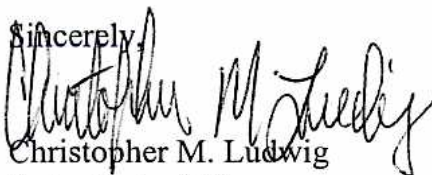
RE: Howard Bend Floodplain Environmental Impact Reply

Dear Mr. Westis,

As you may be aware St. Louis County owns about one-third of the floodplain property within the Howard Bend Levee District. This would constitute a rather large interest in what occurs around the 2229.59-acre Creve Coeur Memorial Park. The present master plan calls for half the park to be developed as active recreation (i.e. shelters, trails, athletic fields, restrooms, etc.) and the remaining half as passive (i.e. wetlands, outdoor education, etc.). Though the wetlands have only been in existence for a short period, they have already shown signs of providing environs unlike any other in the Metro area.

At present the park is surrounded by agrarian operations that we know will someday cease to exist based on present trends. The 500 plus year levee system being constructed will no doubt bring other use such as light industrial, retail, warehouse and office space. There is a keen interest on the part of St. Louis County Department of Parks and Recreation to protect its largest park.

Please inform me of any information that may assist you in the EIS. If you have any questions, please feel free to call me at (314) 615-0355.

Sincerely,

Christopher M. Ludwig
Parks Project Manager

CC Ben Knox



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

RECEIVED
FEB 25 2002

FEB 21 2002

Richard A. Skinker
Senior Environmental Resource Specialist
Harding ESE, Inc.
3199 Riverport Tech Center Drive
St. Louis, MO 63043

RE: Howard Bend Floodplain Environmental Impact Statement (EIS)

Dear Mr. Skinker:

This letter is to inform you that the Environmental Protection Agency did, in fact, receive Harding ESE, Inc.'s letter dated May 8, 2001 regarding the project mentioned above. The EPA did not have any specific comments at that time to provide. In your renewed call for information, we would recommend taking a look at the Corps' Monarch-Chesterfield EIS. It appears that some of the environmental issues examined under that analysis could also apply to the Howard Bend project. A copy of EPA's review comments for the Monarch-Chesterfield EIS are provided as an enclosure.

We would appreciate any update that you might be able to provide on this project. I can be contacted at (913) 551-7805 or by e-mail at rocha.nick@epa.gov. Thank you for re-initiating communication on this project.

Sincerely,

Nicholas P. Rocha
NEPA Team
Environmental Services Division

Mr. Gerald Barnes
Deputy District Engineer
Corps of Engineers
1222 Spruce Street
St. Louis, MO 63103-2833

Dear Mr. Barnes:

re: Review of the Chesterfield Valley Flood Control Study and Integrated Draft
Environmental Impact Statement in St. Louis County, Missouri

The Environmental Protection Agency has reviewed the Chesterfield Valley Flood Control Study and Integrated Draft Environmental Impact Statement (DEIS). Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act (CAA). The DEIS was assigned the Council on Environmental Quality (CEQ) number 000268.

The DEIS endeavors to analyze the need for flood damage reduction protection for Chesterfield Valley, Missouri. Structural flood control methods are evaluated which may significantly raise the existing levee height in this floodplain valley. Based on our limited review (the DEIS was addressed to the incorrect, Region 7 address, thereby reducing the amount of review days), and considering the level of detail that prompted each of our detailed comments (enclosed), we have assigned the DEIS a rating of EO-2 (Environmental Objections - Inadequate Information). A copy of EPA's rating system criteria is provided as an attachment to these comments.

EPA strongly encourages the Corps of Engineers to reevaluate the range of alternatives that are available to provide flood damage reduction which are in keeping with the intent of E.O. 11988 (Floodplain Management). I urge you to engage this Region's NEPA staff to discuss our objections and detailed comments for this DEIS.

Please send one copy of the Final EIS to this office at the same time it is officially filed with our Washington, D.C. office. If you have any questions, please contact Royce B. Kemp at (913)551-7551.

Sincerely,

Dennis Grams, P.E.
Regional Administrator

Enclosure(s) - 2

cc: Tom Lange, MDNR
Mark Wilson, USFWS

EPA's Comments on the Chesterfield Valley Flood Control Study and Integrated Draft Environmental Impact Statement in St. Louis County, Missouri

General DEIS Comments:

1. The Need portion (of the Purpose and Need) of the DEIS is deficient and unclear, providing no justification to increase the level of flood damage protection over the standard established by FEMA. Furthermore, the document does not contain analysis sufficient in detail to support Federal action in an increase in levee height above the 100 year level. A clearer need, which is presented in the narrative, would be to "bring the 100-year levee up to date to present federal standards."
2. The DEIS does not rigorously explore and objectively evaluate all reasonable alternatives. Reasonable alternatives that are not within the jurisdiction of the Corps are not included for analysis, and alternatives that are examined are not explained equally such that a reader may evaluate their comparative merits (40 CFR 1502.14).
3. The DEIS is flawed in that the document appears to *select* and rationalize the agency's preferred plan for implementation. The DEIS contains conclusions and other language that are normally found in a Record of Decision (ROD). In this same context, the DEIS rejects the No-Action alternative for consideration.
4. The document does not follow the NEPA format as recommended by 40 CFR 1502.10, furthermore, the Corps does not provide a compelling reason why the format is not followed. This deficiency causes the document to be extremely difficult to read, and to logically follow the issues and understand the consequences of the action being proposed.
5. This project would promote substantial development within the Missouri River Floodplain. Floodplain uses and values would be adversely affected by commercial and urban development that would promote increases in non-point source pollution, further wetland loss, and increased air pollution.
6. Cumulative effects of past, present and future incremental flood damage reduction projects are not adequately analyzed. "Flood control" cumulative actions promote commercial and urban development in the floodplain. The study does not provide adequate disclosure of the inherent risk involved in locating residences and businesses within the floodplain.
7. The net economic benefits, by which the recommended plan is selected, are not significantly greater than those for the existing levee. That is, the added flood damage reduction potential of the 500-year levee, considering average annual damage cost estimates and the associated benefit/cost ratio, when compared to the standard FEMA certified 100-year levee, is minimal and does not provide sufficient justification to increase the levee height above the federally recognized standard of 100-year flood protection. In fact, the benefit to cost ratio is highest for the 100-year levee plan. According to the *Principles and Guidelines for Water and Land Resources Implementation Studies* (1983), it is acceptable for the Corps to propose a plan other than the NED plan.

8. The estimated average annual damages appear to be artificially high for the 500-year levee raise because the economic analysis takes into account significant *anticipated* future development. This type of logic makes the net economic benefit greater for each successive level of levee height raising (e.g., 100, 200, 500-year levels), while not taking into account (and equally and objectively comparing) the environmental values gained from restricting floodplain development.

9. This project would establish a precedent to increase other levees to the 500-year level with federal funding. No justifiable reason exists, nor is presented in the DEIS, to substantiate the need for this extreme and misleading level of flood damage reduction protection and the expenditure of federal funds to support it. Simply stated, the project proposal appears to be contrary to the intent of Executive Order 11988, Floodplain Management.

10. The project sponsor has elected on its own *desire* (not need) to initiate the construction of a 500-year levee, and has completed approximately 50% of that levee and plans to on completing the remainder of the 500-year levee with or without the assistance of the federal government. Although offered as an alternative in the DEIS, there is clearly no intention of constructing a 100-year levee.

Detailed DIES Comments:

1. Summary, page 6. The DEIS fails to disclose the project's Unresolved Issues as required by 40 CFR 1502.12.

2. Summary, page 11, Table 1. The section fails to explain the partial compliance (PC) with the Clean Water Act.

3. Main Report, page 20. This section describes specific planning steps used by the Corps in their planning process. However, the document does not appear to logically follow those steps, thereby creating a disconnect that makes it difficult to understand the actual planning process used for this project and to follow the issues throughout the document.

4. Main Report, page 23. EPA recommends that a map be included to supplement the description of the Floodplain Delineation.

5. Main Report, page 26. This section states that approximately 750 acres of farmland will remain agricultural land both in the future with/without project scenario. However, the DEIS provides no substantiation or reasoning for this statement.

6. Main Report, page 34. The amount stated for average annual inundation damages is not consistent with that of page 63, Table 8.

7. Main Report, page 37. This page seems to more fully capture the 'project need' in identifying that the Monarch-Chesterfield levee system lacks seepage controls, has an inadequate interior drainage system, and a costly maintenance program. EPA believes that non-levee raise alternatives exist that would best satisfy these needs for the project area, but have not been explored by the Corps.

8. Main Report, page 37. The Planning Objectives section fails to allow for any alternative other than a levee raise when other practicable alternatives may exist.
9. Main Report, page 39-40. This section eliminates reconnaissance measures from further consideration without adequately describing how the measure was cost prohibitive or otherwise insufficient to meet the projects' purpose, nor does it specifically explain why purchasing flood-prone structures would not be economically feasible for this project.
10. Main Report, page 57. Table 7 provides no quantifiable information for an informed decision making process, nor does it disclose effects that one could use in a rational, analytical evaluation of the alternatives.
11. Main Report, page 58. This section states that the induced flooding of the 500-year level flood cannot be accurately measured, yet elsewhere in the document there are specific, increased water stage trends (page 80).

Summary of EPA Rating Definitions

EPA's rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories that signify EPA's evaluation of the environmental impacts of the proposal and numerical categories that signify an evaluation of the adequacy of the EIS.

Environmental Impact of the Action

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative. EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Summary of EPA Rating Definitions *(continued)*

Adequacy of the Impact Statement

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.



CITY OF MARYLAND HEIGHTS

212 MILLWELL DRIVE • MARYLAND HEIGHTS, MISSOURI 63043
TEL 314-291-6550 • FAX 314-291-7457 • WWW.MARYLANDHEIGHTS.COM

March 4, 2002

Bruce McNitt
Harding ESE
3199 Riverport Tech Center Drive
St. Louis, MO 63043

Re: Howard Bend Levee District permits

Dear Mr. McNitt:

Attached is a memorandum from Russ Todd, Building Commissioner/Flood Plain Manager, regarding the permits issued to the Howard Bend Levee District for the construction and improvement of the levee.

If you have further questions on this issue, please call.

Sincerely,

J. Wayne Oldroyd, AICP
Director of Community Development

JWO/jc



CITY OF MARYLAND HEIGHTS

212 MILLWELL DRIVE • MARYLAND HEIGHTS, MISSOURI 63043

BUILDING &

**CODE
ENFORCEMENT**

MEMO

To: Wayne Oldroyd, Community Development Director
From: Russell Todd, Building Commissioner *RTD*
Subject: Howard Bend Levee District Permits
Date: March 1, 2002

This memo addresses the above permits as they relate to the construction of the Howard Bend Levee District levee improvements.

Attached are copies of the grading permits and floodplain development permit issued to the Howard Bend Levee District. These permits were issued in accordance with city ordinances governing the moving of earthen fill and construction within the 100-year regulatory floodplain.

Only one floodplain development permit was issued for this project. The levee district was allowed to submit the plans in phases as they were designed and continue work on the levee.

You will also find attached a building permit for the concrete work adjacent to the Missouri-American Waterworks.

If you need any additional information, just ask.



CITY OF MARYLAND HEIGHTS

212 MILLWELL DRIVE

MARYLAND HEIGHTS, MISSOURI 63043

TEL 314-291-6550

FAX 314-291-7457

APPLICATION FOR BUILDING PERMIT

Please type or PRINT clearly in ink.

HOG HOLLOW

DATE: October 13, 2000

PROJECT ADDRESS: St. Louis County Water Co.-Central ZONING DISTRICT: _____

PROPERTY OWNER NAME: HBLD - John Pellet Plant TELEPHONE: 314-469-1305

ADDRESS: 13126 Parkland Woods Ct. Maryland Heights, MO 63043

TENANT NAME: NOT APPLICABLE TELEPHONE: _____

CURRENT ADDRESS: _____

CONTRACTOR NAME: Goodwin Bros. Construction Co. TELEPHONE: 636-931-6084

ADDRESS: 1766 Hwy. 61 South Crystal City, MO 63019

CONTACT PERSON FOR PICK-UP: Mr. Dan Nichols TELEPHONE: 636-931-6084 (Ext. 109)

ARCH/ENGR Horner & Shifrin, Inc. TELEPHONE NUMBER 314-531-4321 FAX NUMBER 314-531-6966

USE GROUP _____ CONST. TYPE CONC CURRENT SQ. FT. N.A. ADD'L SQ. FT. N.A. TOTAL SQ. FT. N.A.

DESCRIPTION OF WORK Construction of floodwalls to increase flood protection level

COST OF CONSTRUCTION (Bldg. Costs Only) \$ 1.2 million

Charlie 1-636-448-5103

IS CONTRACTOR A TRANSIENT EMPLOYER Yes ☐ No ☒

IF YES, YOU MUST PROVIDE VALID TAX CLEARANCE ISSUED BY THE MISSOURI DEPARTMENT OF REVENUE OR CONTACT THE DEPARTMENT OF REVENUE AT (573) 751-3804 TO REQUEST PROPER REGISTRATION AND TAX CLEARANCE INFORMATION. THE BUILDING PERMIT WILL NOT BE ISSUED UNTIL THE CITY IS PROVIDED WITH THE TAX CLEARANCE.

(A "transient employer" is an employer making payment of wages taxable under the Missouri Income Tax Law, the Workers' Compensation Law and the Missouri Employment Security Law, who is not domiciled in Missouri and who temporarily transacts any business within the state.)

I hereby certify that the information contained in this application and accompanying drawings or plats is correct, and that I will conform with all applicable laws of the City of Maryland Heights.

Contractor

SIGNATURE OF APPLICANT:

Geo A. Elbel
Horner & Shifrin, Inc.

Please note: Two (2) sets of drawings are required. One (1) set will be returned. The Maryland Heights Fire Protection and Creve Coeur Fire District also require two (2) sets of drawings be submitted through the City. Other fire districts serving the City may have other requirements.

FOR OFFICE USE ONLY

APPROVALS

CITY PLANNER

DATE

PUBLIC WORKS

DATE

BUILDING COMMISSIONER/PLANS EXAMINER

DATE

INSPECTION APPROVALS

FOOTING

DATE

FOUNDATION

DATE

FRAMING

DATE

BUILDING FINAL

DATE

PERMIT NO. 00-576 ISS. DATE 10/27/00 EXP. DATE 10/27/01 FEE \$ 5188 RECEIPT NO. 9491

2235X



CITY OF MARYLAND HEIGHTS

212 MILLWELL DRIVE • MARYLAND HEIGHTS, MISSOURI 63043

FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION

PERMIT/APPLICATION NO. 99-10

DATE: October 22, 1999

1. Applicant Name: Howard Bend Levee Dist. Address: 13126 Parklands Wood Ct. Maryland Hgts, MO 63043 Phone: 469-1305
North of City of St. Louis Water Division's Howard Bent Treatment Plant
2. Address of Development Site: 14769 Olive Boulevard; Chesterfield, MO 63017
3. Type of Development: Filling ☒ Grading ☒ Excavation ☒ Routine Maint. ☐ Minor Improvement ☐ Substantial Improvement ☒
New Construction ☐ (If Applicable) Pre-Improvement Values of Structure \$ _____ Cost of Improvement \$ 2.3 million±
4. Description: Earthwork and concrete work involved in raising protection level of existing flood protection levee by approx. 3 ft.
5. Is property located in a designated Floodway? Yes ☐ No ☒

IF YES, CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP, THAT THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE FLOOD (100-YEAR) ELEVATION.

6. Is property located in a designated Floodway Fringe? Yes ☒ No ☐
- IF YES: Will project raise base flood elevation more than one foot? Yes ☐ No ☒
- a) Elevation of the Base (100-Year) Flood 462.5± MSL/~~XXXX~~
- b) Elevation/floodproofing requirement 472.0 MSL/~~XXXX~~
- c) Elevation of the proposed development site (if known) N.A. MSL/~~XXXXXX~~

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE FIRST FLOOR (INCLUDING BASEMENT FLOOR) OF ANY NEW OR SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED ABOVE THE BASE FLOOD ELEVATION. IF THIS IS A NON-RESIDENTIAL BUILDING, THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE FIRST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NON-RESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED ABOVE THE BASE FLOOD ELEVATION.

7. FIRM Panel number: 0145 H Source of Base Flood Elevation Data if not available on FIRM: _____
8. Other permits required? Corps of Engineers 404 Permit: Yes ☐ No ☒ State Permit: Yes ☐ No ☒

ALL PROVISIONS OF THE CITY OF MARYLAND HEIGHTS, FLOOD DAMAGE PREVENTION ORDINANCE NO. 87-325 SHALL BE COMPLIED WITH.

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.

Plans and Specifications approved this 5TH day of NOVEMBER, 1999.

NO BUILDINGS ARE INVOLVED IN THIS PROJECT

[Signature]
Signature of Developer/Owner

[Signature]
Russell Todd
Flood Plain Administrator

* CONTRACTOR TO OBTAIN GRADING & BUILDING PERMITS

GRADING PERMIT

Department of Streets and Engineering
City of Maryland Heights
212 Millwell Drive
Maryland Heights, MO 63043
291-6550

GRADING PERMIT NO. G.0023.01

DATE: 10-30-01

Permit is hereby granted to: DAVE KOLB EXCAVATION
(Company Name)

to grade or excavate: LEVEE FROM RIVER VALLEY TO
PAGE AVE. (Locations)

for the purpose of: CONSTRUCTING LEVEE

NO PERMIT FEE !

J Allen

Director
Streets & Engineering

GRADING PERMIT

Department of Streets and Engineering
City of Maryland Heights
212 Millwell Drive
Maryland Heights, MO 63043
291-6550

GRADING PERMIT NO. G.0022.01

DATE: 10-30-01

Permit is hereby granted to: DAVE KOLB EXCAVATION
(Company Name)

to grade or excavate: LEVEE FROM PAVE TO DISCHARGE
CANNEL (Locations)

for the purpose of: CONSTRUCTING LEVEE

NO PERMIT FEE!

J. Allen

Director
Streets & Engineering

GRADING PERMIT

Department of Streets and Engineering
City of Maryland Heights
212 Millwell Drive
Maryland Heights, MO 63043
291-6550

GRADING PERMIT NO. G-0015-2000

DATE: 10/24/00

Permit is hereby granted to: GOODWIN BROTHERS CONSTRUCTION
(Company Name)

to grade or excavate: FOR HOWARD BEND LEVEE DISTRICT
(Locations)

for the purpose of: CONSTRUCTION OF FLOOD WALL

**NO FEES FOR
PERMIT OR INSPECTIONS**

JOHN ALLEN

**-Director
Streets & Engineering**

GRADING PERMIT

Department of Streets and Engineering
City of Maryland Heights
212 Millwell Drive
Maryland Heights, MO 63043
291-6550

GRADING PERMIT NO. G-0016-2000

DATE: 10/24/2000

Permit is hereby granted to: UNNERSTALL CONSTRUCTION
(Company Name)

to grade or excavate: FOR HOWARD BEND LEVEE DISTRICT
(Locations)

for the purpose of: CONSTRUCT LEVEE

NO FEES FOR
PERMIT OR INSPECTIONS

JOHN ALLEN

Director
Streets & Engineering



DEPARTMENT OF THE ARMY

ST. LOUIS DISTRICT, CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

REPLY TO
ATTENTION OF:

March 4, 2002

Regulatory Branch

Mr. William Elzinga
Harding ESE
3199 Riverport Tech Center Drive
St. Louis, Missouri 63043

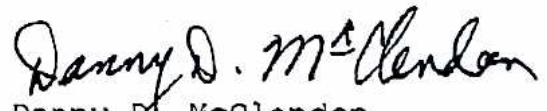
Dear Mr. Elzinga:

We have reviewed your February 28, 2002, Scope of Services for the Howard Bend Environmental Impact Statement (EIS). This scope of services is for work that still needs to be completed to get the subject EIS through the draft stage. This includes continued scoping, data gathering and analyses, formalization of the study area, alternatives, purpose and need, and writing and publication of the draft EIS. This would also include preparation for a formal public hearing on the draft EIS.

As you know, the original schedule for publication of the draft EIS has been delayed. This project has proven to be a very difficult and dynamic one. However, the current scope of services appears to get the project on track with the appropriate scope of analysis. We agree that a meeting with the resource agencies prior to publication of the draft EIS is needed. This will help to insure that the agencies are kept informed and potentially reduce comments on the draft EIS. After numerous meetings we have decided that the expanded study area is needed and should also help with agency coordination. We are currently working with you on developing the existing wetland database. We need to coordinate on working with the Natural Resources Conservation Service to do a slide review of areas not already determined for wetlands and determine the best methods to delineate the remaining forested areas. The current land use master plan being conducted by the City of Maryland Heights should adequately address the needs of future foreseeable actions for commercial and industrial development for the protected areas from the 500-year levee

construction of flank levees and the need for the Howard Bend Levee District to obtain a Section 404 permit. If this occurs we may have to do additional evaluation and impact analysis. We will need to coordinate closely with the levee district and City of Maryland Heights to determine the appropriate direction to take on this issue. We are discussing this issue with our counsel to determine the repercussions of the flank levees on the EIS. If you have any questions do not hesitate to contact me at (314) 331-8574.

Sincerely,

A handwritten signature in cursive script that reads "Danny D. McClendon". The signature is written in dark ink and is positioned above the printed name and title.

Danny D. McClendon
Chief, Regulatory Branch

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahfood, Director

OFFICE OF THE DIRECTOR
P.O. Box 176 Jefferson City, MO 65102-0176



March 5, 2002

Richard Skinker
Harding ESE
3199 Riverport Tech Center Drive
St. Louis 63043

Dear Mr. Skinker:

The Missouri Department of Natural Resources is writing to express concerns regarding floodplain development in Missouri. The U.S. Army Corps of Engineers' current study of future floodplain development impacts in the Howard Bend Bottoms area of St. Louis County provides an opportunity to address a variety of floodplain issues that may not be specific to a particular flood control or construction project.

Despite investment of over \$38 billion on federal flood protection projects nationwide, the amount of flood damages incurred annually throughout the country has significantly increased. The approximately \$3 billion spent annually on flood repairs has more than doubled since 1951 in terms of per-capita expenditures and dollar value. (Letter to the Honorable Pete Domenici by environmental organizations, 1995.) The reason for this increase, despite significant investment in flood control measures, is that flood control programs encourage communities and individuals to discount or underestimate the risks of development in the floodplain. The economic incentives for state and local governments, as well as individual investors, to make intelligent decisions regarding floodplain development have been eliminated by the federal government's increased assumption of responsibility for flood control as well as flood insurance programs. The federal government's programs to build and repair levees, subsidize the cost of flood insurance, and provide disaster relief to flood "victims" for repeated flood damage encourages the cycle of floodplain development, damage and redevelopment.

Changes in federal policy during the last century resulted in the burden of cost being shifted from the floodplain property owner to the federal taxpayer. By around 1950, the taxpayer had become responsible for the full cost of building and maintaining flood control projects, repairing public and private projects, and providing disaster relief. The National Flood Insurance Program (NFIP) now allows floodplain development to proceed with little or no risk to the floodplain property owner, state or local government.

A disproportional allocation of federal flood disaster relief goes toward the rebuilding of structures that have previously received damages. Only three states rank above Missouri in terms of repetitive losses. This trend of repetitive losses is likely to escalate in cost, as building in the floodplain continues. For example, the Flood of 1993 caused \$570 million in damage in the Chesterfield Valley, according to a Post-Dispatch article from July 19, 2000. Rapid development of this area in the years since the Flood of 1993 has multiplied the amount of damage possible should the newly raised levee prove inadequate to flood protection in future flood events. Flood control measures such as levees reduce the frequency of flood damage in a floodplain, but cannot eliminate the inevitability of flood damage during future flood events. However, the public perception is that a floodplain protected by a levee is "safe," particularly if development is insured by the NFIP, and therefore rushes ahead with large-scale floodplain development.

Such development is encouraged by local governments that reap the rewards of additional tax revenue generated by the development, without any risk of compensating for flood damages in the future.

Both state and federal officials have recognized the extreme risks of building in the floodplain. In federal Executive Order 11988 – Floodplain Management, 1977, the order states in part: "Each agency shall provide leadership and shall take action to reduce the risk of flood loss ...and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands, and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities." In recognition of ever-increasing expenditures on flood losses, Missouri's Executive Orders 97-08 and 97-09 address the need to "insure that future uses and development of the State's floodplains are analyzed and used in a manner to lessen the risk of flood losses..." During a 1999 St. Louis visit, James Lee Witt, head of FEMA, had this to say about levee protection of floodplains: "If its manmade, nature can wipe it out." FEMA's Bob Bissell, chief of the mitigation division in Kansas City, stated "... as you saw in '93, that security literally washed away, and there was a lot of damage behind the levee. So even though our regulations allow that kind of development, we don't really support it. We support a more conservative flood-mitigation effort, which would be to simply not build there."

The floodplain should function as an area to store and slowly release water during high water events. Levees are designed to restrict the access of such water to the floodplain, squeezing rivers into deeper and narrower channels. Contained in this manner, water is unable to spread out over the floodplain, instead rushing downstream with greater velocity, resulting in higher flood crests and peaks. The public's reaction after observing the higher water level is to demand improved flood protection measures, resulting in a self-perpetuating cycle of wetland drainage and levee construction along the entire river system.

The gradual but continual loss of floodway conveyance capacity, combined with evidence that river stages are increasing during periods of flooding is a problem that needs to be addressed during this floodplain planning and management discussion. The loss of floodway conveyance and floodplain storage capacity is due to the cumulative effect of a number of factors, including: bank stabilization and navigation structures; accretion of land in and along the channel; construction of federal, agricultural and other private levees within the floodway; and construction of facilities in the floodway related to public, commercial or industrial development. Bank stabilization has contributed to reduction of the carrying capacity of the river channel and floodway, as the overall channel width has been progressively narrowed, and numerous secondary channels have been silted in or closed off. Bank stabilization and navigation structures have encouraged development along the Missouri River, without implementation of a comprehensive floodplain management plan. As a result of these programs, 100,300 acres of aquatic and 374,300 acres of terrestrial habitat have been lost in the floodplain located between Sioux City, Iowa and St. Louis, Missouri on the Missouri River. (Jerry L. Rasmussen and Jim Milligan, U.S. Fish & Wildlife Service, Columbia, MO, "The River Floodway Concept – A Reasonable and Common Sense Alternative for Flood Control.")

On the Mississippi River and its tributaries alone, more than 7,000 miles of levees separate these waterways from their natural floodplain. Both scientific literature and public policy have established the important role that wetlands play in maintaining water quality. Wetlands serve to protect drinking water supplies, water-related recreational activities and aquatic life by controlling and filtering runoff. One factor in the extent of massive flooding during 1993 in the Upper Mississippi River Basin was that more than 85% of the wetlands in most of the basin had previously been lost. The result was that water that would have remained in temporary lakes and lowlands prior to loss of wetlands, instead was rapidly diverted to already swollen rivers. It is estimated that 300 acres of wetlands have been lost since 1993 in the Chesterfield Valley alone. (*Riverfront Times*, "After the Deluge," citing U.S. Fish and Wildlife Service, 11/15/2000.) Future development in the area is a certainty. The level of environmental impacts that come with the shopping centers and suburban housing are of a substantial consequence to the future of streams, surface water quality, flood flows, sedimentation of streams and wetlands.

As evidenced by the state and federal Executive Orders, reducing the risk of flood losses is a goal of both levels of government. To reduce the risk of flood damage, residential property and facilities of high dollar value and high risk of damage by flood should be removed from the floodplain. This does not mean that land should remain fallow, rather the following uses that are compatible with inundation are recommended: farmland, open space, limited use recreational facilities, fish and wildlife habitat and wetlands. Repetitive flooding has resulted in the accumulated deposits of fertile soils in floodplain areas. Therefore construction on flood plains removes some of Missouri's most fertile agricultural land from crop production, reducing the agricultural capacity of the state. Agricultural lands and wildlife habitat could exist outside the protection of levees in urban areas. In rural areas, interior agricultural lands should be protected by levees constructed at the landowner's discretion and expense, not to exceed height sufficient to protect against a ten year flood elevation. The exception to this approach would be in areas where:

- ❖ Protecting existing densely concentrated development would make more economic sense than relocation;
- ❖ Levees can be constructed and maintained to provide adequate protection from flooding; and
- ❖ Such flood protection would not compound problems during high water (disrupting transportation networks or impeding the floodway).

Negative impacts to cultural resources are likely to occur during floodplain development. Archeologists had, until 1999, held the general opinion that buried or deeply buried archeological sites in the Missouri River floodplain had long ago been washed away by repeated flooding. However, that opinion was radically changed when investigations prior to a bridge replacement in Callaway County led to the discovery of the Callaway Farms site. A significant part of a pre-historic village was excavated, demonstrating that while the current floodplain may appear mostly level, a series of terraces existed prehistorically. These terraces have been covered by layers of alluvium over the centuries. Now that archeologists know to search for sites in the floodplain, more are likely to be discovered.

Shipwrecks are protected in Missouri by state law, and are another resource likely to be located in floodplains. This would include steamboats, ferries, barges, and other historic and pre-historic Native American watercraft. Historically, Missouri developed along the major rivers before inland areas were settled. Numerous small towns remain throughout the river valleys as a result of this settlement pattern. These towns are generally considered too small to justify an urban levee, but consideration should be given to their protection as levees are constructed upstream and downstream of their location.

Groundwater impacts are likely to result from development in floodplains. In general, the increase in the impermeable area caused by the addition of roadways and parking lots will affect the hydrology of the area. This effect will be to diminish the groundwater recharge in the area, in turn diminishing the base flow. The most severe effects will be realized in times of drought, when groundwater discharge is the only input into stream systems. Accordingly, there will be an increase in the peak flow, due to:

1. increases in the amount of impermeable surfaces;
2. reduction of stream channel lengths by use of culvert pipes;
3. reduction of interception of precipitation through continuous mowing/maintenance of grass along right-of-ways;
4. increases in velocity due to reduced roughness within culvert pipes/riprap areas; and shunting of runoff directly into streams through engineered ditches.

Air quality is likely to be negatively impacted as a result of intensive floodplain development. The amount of traffic congestion induced by large-scale floodplain developments will increase the amount of pollutants in the area. Since the floodplains have previously been undeveloped, there is no transit access, and little or no alternative to single occupant vehicles for travelers trying to reach the area. Since St. Louis County

Page 4

is in the ozone non-attainment area, higher concentrations of pollutants could have consequences outside the floodplain.

We appreciate being provided the opportunity to comment on this proposed study of floodplains in Missouri. Please contact me if you have any questions about our comments at (573) 751-3195.

Thank you.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

A handwritten signature in black ink, appearing to read "Tom Lange", with a stylized flourish at the end.

Tom Lange
NEPA Coordinator



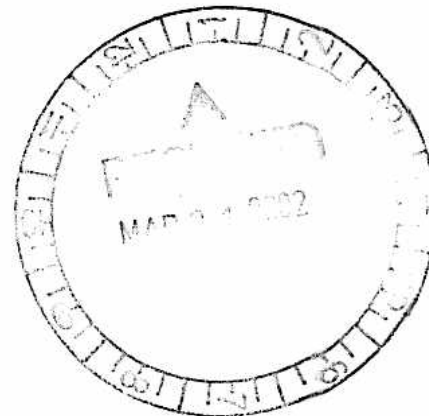
160 St. Peters Centre Blvd., St. Peters, MO 63376-1695

Phone: 636-922-2833 ext. 3

Fax: 636-922-2840

March 20, 2002

Rich Skinker
Harding ESE
3199 Riverport Tech Center Dr.
Maryland Heights, MO 63043



Dear Mr. Skinker:

Enclosed are the tracts that have certified wetland delineations. I apologize for the delay in getting this back to you.

If you have any questions, don't hesitate to call me.

Sincerely,

Renee L. Cook (FC)

Renee L. Cook
District Conservationist



Enclosure



WEBSTER GROVES NATURE STUDY SOCIETY

April 23, 2002

By Fax to (314) 331-8741 and by Regular Mail

Mr. Danny McClendon
U.S. Army Corps of Engineers
1222 Spruce Street
St. Louis, MO 63103

By Fax to (913) 551-7863 and by Regular Mail

Ms. Kathy Mulder
U. S. Environmental Protection Agency
901 North Fifth Street
Kansas City, Kansas 66101

By Fax to (573) 526-3239 and by Regular Mail

Ms. Gayle Unruh
Mr. Robert Meade
Missouri Department of Transportation
P. O. Box 270
Jefferson City, MO 65102

By Fax to (402) 221-3372 and by Regular Mail

Mr. Robert Anderson
National Park Service
Omaha Regional Office
1709 Jackson Street
Omaha, Nebraska 68102

04/23/2002 09:57 3147210000 FAX 02

By Fax to (573) 751-7627

Mr. Stephen Mahfood, Director
Missouri Department of Natural Resources
P. O. Box 176
Jefferson City, MO 65102

By Fax to (573) 876-1914 and by Regular Mail

Mr. Rick Hansen
U.S. Fish and Wildlife Service
608 East Cherry Street, Room 200
Columbia, MO 65201

Dear Regulators:

St. Louis County has begun digging borrow pits in the Page Avenue mitigation area near Little Creve Coeur Lake. The Webster Groves Nature Society is concerned that such digging might impact the hydrology of the area and negatively affect Little Creve Coeur Lake, which is a natural wetlands. It is our understanding that St. Louis County has entered into a contract with the Howard Bend Levee District to sell dirt to the Levee District and that the only purpose of the borrow pits is to allow St. Louis County to meet its obligations under this commercial contract, for which it is receiving payment.

We would like your agencies to immediately take the following steps:

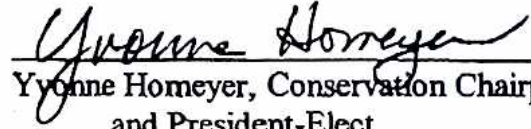
- 1) Ask St. Louis County to stop digging until a thorough assessment has been made of its activities.
- 2) Provide us with a copy of any report assessing the impact of St. Louis County's dirt removal and creation of borrow pits. If no such assessment has been done, we would like to know why.
- 3) Provide us with a summary of what oversight responsibilities each of the above agencies has relating to this project.
- 4) Provide us with a copy of the Master Plan for this project. If such a plan does not exist, what agency or entity is responsible for preparing it?

We look forward to hearing from each of the above agencies concerning the four areas outlined above. We are also requesting a meeting of regulators, St. Louis County, and non-governmental stakeholders, such as WGNSS, Missouri Coalition for the Environment, and St. Louis Audubon Society, to discuss the impact of St. Louis County's actions on Little Creve Coeur Lake.

04/23/2002 09:34 3141210000 FAX 03

We look forward to your individual replies to this letter. Thank you in advance for your cooperation in helping us assess this matter.

Very truly yours,


Yvonne Homeyer, Conservation Chairperson
and President-Elect
1508 Oriole Lane
St. Louis, MO 63144
(314) 863-3321 office
homeyer@earthlink.net

Copy to:

By Fax to (314) 615-4696 and by Regular Mail

Ms. Genie Zakrzewski, Director
St. Louis County Parks
41 S. Central Avenue
St. Louis (Clayton), MO 63105

MISSOURI COALITION FOR THE ENVIRONMENT

6267 Delmar Blvd. 2-E • St. Louis MO 63130 • 314-727-0600 Fax: 314-727-1665 • moenviron@moenviron.org • www.moenviron.org



April 25, 2002

VIA FAX AND U.S. MAIL

Danny McClendon
Regulatory Branch
U.S. Army Corps of Engineers
1222 Spruce Street
St. Louis, Missouri 63103-2833

RECEIVED
CORPS OF ENGINEERS
2002 APR 29 AM 6:40
OFFICE OF COUNSEL

Re: Howard Bend Levee

Dear Mr. McClendon:

I am writing this letter to request that the Army Corps of Engineers bring an immediate halt to activities underway on the Howard Bend levee. As you know, the Howard Bend Levee District (HBLD) has been in the process of raising its levee to a so-called 500-year level of protection for nearly a year now. It is undertaking these activities without a section 404 permit. All along, the Coalition has maintained that this activity is in violation of the federal Clean Water Act, National Environmental Policy Act and other federal laws. We have requested on numerous occasions that the Corps assert jurisdiction over the project to ensure compliance with federal laws. Nevertheless, the Corps has been dilatory in responding to our efforts to obtain relevant documents and flatly refused to acknowledge the serious legal issues regarding this project.

We now believe there is irrefutable evidence that the HBLD is illegally "piecemealing" this project in violation of the above referenced statutes. Instead of acknowledging the full scope of the project, which will require one or more section 404 permits, the HBLD is intentionally concealing the full extent of the project to delay the assertion of federal jurisdiction. Moreover, there seems little question that even the illegally piecemealed definition of the project requires a federal permit.

Enclosed are two recently obtained documents that, when combined with all of the other information we have discussed with you in the past, provide the irrefutable proof that the HBLD is engaged in an illegal effort to piecemeal the levee project.

- Attachment A is a page from the recently approved Howard Bend Future Land Use Plan prepared by the City of Maryland Heights. This document reveals the true plans of the HBLD with regard to the levee project. Not only does it include the levee along the Missouri River, but also includes extensive flank levees along Creve Coeur Creek, the installation of pumps in and along the Creek and the possible "widening" of Fee Fee Creek. There can be

no question that these activities are both part of the larger levee project and that they will require a section 404 permit. In fact, some of these activities – such as modifications to the outfall structure – will physically be part of the erroneously delimited “river levee.” If you would like to see the complete document for context, it can be obtained on the City of Maryland Heights web site.

- Attachment B is a copy of a document obtained as a result of a FOIA request to the Corps. (It should be noted that the original FOIA request for these documents is nearly a year old, and these documents were only produced within the last two months). Page 1 of attachment B shows the document as originally viewed – with several “post-it” notes stuck to it. Two of the post-its were signed “M.F.” and apply specifically to the current activities of the HBLD. As you can see, the top note recommends that the Corps should not issue any permits that would allow a 500-year levee to be constructed without an EIS because such activity would be a violation of the consent decree obtained by the Coalition in the Riverport litigation brought in the late 1980s. The note at the bottom of the page states that an HBLD representative (not named) stated that they would try to piecemeal the levee project. There is no date shown on the document or the notes.

There can be no question that the activities described in the Howard Bend Land Use Plan will require a section 404 permit. There can also be no question that these actions constitute an integral part of the project that has already begun through work on the river levee. As you know, NEPA absolutely requires that an environmental review be prepared *before* the issuance of a federal permit. It is therefore essential that the Corps bring an immediate halt to the ongoing activities on the Howard Bend levee to prevent any further transgressions of federal law. Moreover, the fact that the Corps has apparently long known about the intent of HBLD to “piecemeal” this project calls the integrity of your entire regulatory program into further question.

Finally, I will reiterate our contention that the existing structure across Creve Coeur Creek appears to have been built illegally. Despite numerous requests and months of waiting, the Corps has never provided us with documentation showing that either the original outfall structure or the concrete floodwall later built over the Creek was done with a valid permit. In fact, every indication is that the floodwall was built shortly after the 1993 flood in a blatant attempt to segment it from the entire levee raising project. In any event, both the original outfall structure and the more recently built floodwall must obtain a valid section 404 permit under the Clean Water Act and a Section 10 permit pursuant to the Rivers and Harbors Act of 1899 since they impact wetlands and waters below the “ordinary high water mark.”

I am dismayed at the blind eye the Corps continues to turn toward the blatantly illegal endeavor underway in the Howard Bend floodplain. However, after witnessing a similar pattern on other projects, the Corps’ complete disregard for federal law no longer surprises me. Please provide a response to this letter within 10 days letting me know whether the Corps intends to take action or that enforcement will once again be left up to interested members of the public.

Very truly yours,



Edward J. Heisel
Senior Law & Policy Coordinator

Encls.

cc: Larry Shepherd (*via fax*)
USEPA Region 7
901 N. 5th Street
Kansas City, KS 66101
(913) 551-7765 (fax)

Charles Scott, USFWS (*via fax*)
608 E. Cherry Street
Room 200
Columbia, MO 65201
(573) 876-1914 (fax)

Stephen Mahfood (*via U.S. Mail*)
Director, MDNR
P.O. Box 176
Jefferson City, MO 65102

David Asbed, USACE Office of Counsel (*via U.S. Mail*)
U.S. Army Corps of Engineers
1222 Spruce Street
St. Louis, Missouri 63103-2833

HOWARD BEND FUTURE LAND USE PLAN



Page 3.3.6

Section 3.3

RESOURCE INVENTORY: STORMWATER MANAGEMENT

The second project is construction of an internal drainage conveyance and storage system. The Howard Bend Planning Area receives upland stormwater flow from two major watersheds, including Creve Coeur Creek and Fee Fee Creek. With these two watersheds, along with the land within the planning area itself, the Howard Bend Planning Area handles drainage conveyance for over 49 square miles. The long-term preservation of land to allow for this conveyance and storage is critical. The internal regional drainage system is also being designed and will ultimately be constructed by the Levee District. Depending on the final design, there will be substantial land that must be preserved for flood conveyance and storage, some of which is currently in private ownership. Care should be exercised in the design of conveyance channels, settlement ponds and other water features, to ensure that water flows continuously, that their banks are attractive and that they become scenic and recreational assets to the area.

In addition to the need to convey and store stormwater for the purpose of minimizing the risk of flooding, it is also possible and desirable to use stormwater conveyance systems as a community asset. Specifically, rather than simply engineering concrete channels, stormwater conveyance and storage can be designed to function as an open space amenity. First, certain areas can be maintained as environmentally sensitive open space areas that can provide scenic relief and open space in developed areas, while serving as conveyance channels during times of flooding. Secondly, stormwater conveyance channels have the potential to serve as an integrated backbone of a system of water features serving as amenities for development.

Given the constraints of topography, the regional stormwater system to collect, transport, store and pump stormwater will be large and complex. Depending on available funding, it may take that next ten years to develop and complete. The particular system that has been proposed by the Levee District would keep in place the existing configuration whereby the discharge from Creve Coeur Lake continues in Creve Coeur Creek, to a junction with Fee Fee Creek; from that point on, a common channel leads to a gated outlet structure which discharges through the levee to the Missouri River (the gates can be closed to prevent Missouri floodwater from entering the protected area). Primary elements of improvement include widening portions of Fee Fee Creek and raising the flank levees to increase the available stormwater storage, increasing the capacity of the outlet structure, and accelerating the rate at which excess water may be stored in the "Little Lake" area. Pumping would be necessary to discharge during Missouri River Flood Events. This system has been incorporated into the current land use plan and the ongoing EIS.

An alternate drainage plan being considered changes the primary configuration. The discharge structure would be removed from the Missouri River levee, allowing free discharge so that lower Fee Fee Creek could "float" at the level of the Missouri River during high stages. Under this plan, flank levees along Fee Fee Creek would be constructed to the level of the Missouri River flood protection, from the river to the bluff line. Conveyance, not storage, would dictate the width of the lower Fee Fee reach. A new gated structure would be constructed to control discharge from Creve Coeur Creek at its junction with Fee Fee Creek, to prevent river backup into the Creve Coeur Creek system.

ASSUMPTIONS

The Howard Bend Levee District will be responsible for the design, construction, and maintenance of the regional stormwater conveyance and storage system located within the Howard Bend area.

The location and rights-of-way of conveyance channels and storage areas as part of this regional stormwater storage and conveyance system will be established by the Howard Bend Levee District and will be sized to manage upland flow for 100-year joint frequency storm event.

Some land that is currently in private ownership will likely be identified for preservation as stormwater conveyance or storage areas; the location of these areas and addressing private property issues is the responsibility of the Levee District.

The flank levees should be designed to ensure that stagnant water does not result. The use of settlement ponds and various water features should be undertaken so that they become scenic assets, rather than merely stormwater control devices.

Local runoff for individual sites within the planning area will be detained on site.

Standards for impervious surface site coverage (structures and parking areas) need to be developed in order to accommodate detention of stormwater. These standards need to be developed based upon stormwater runoff and conveyance requirements.

Developers will be responsible for on-site drainage and conveyance to the regional stormwater system.

It is reasonable to require multiple use of the stormwater conveyance system for scenic and aesthetic purposes where feasible.



Horner & Shiff
Engineers/Architects
Surveyors/Constructi
5200 Oakland Ave
St. Louis, Missouri
314-531-4321

TO: Kansas City E
U.S. Army Corps
700 Federal Bui.
601 E. 12th St. / K

ATTN: MR. Jim Scott

MAKE SURE THAT WE DON'T
ISSUE NWPS OR IP'S
FOR HBLD STRUCTURES
THAT WILL ALLOW A
500 YEAR LEVEE TO BE
CONSTRUCTED WITHOUT EIS
PER RIVERPORT CONSENT DECREE
MF

WE TRANSMIT:

☒ herewith ☐ under separate cover via _____
_____ accordance with your request _____

FO

☒ review & comment

TI

OHWM

☐

Mo. River
Mile 30.75

☐ Shop Drawing Prints
☐ Product Literature

439.9

DESCRIPTION

on for replacement of gated outlet
ps. 2 pp form + 4 drawings
strm plan, structure plan, and sections

Looks like
I.P. probably excessive
grading for NWP.

For the levee dist. in a draft
we formally apply for the permit.
Don't include detailed topo from
Ridge cut & fill yardage.
we photos of the existing structure.

COPIES TO: _____

P.S. HBLD SAID
THEY WOULD TRY
TO PIECEMAIL IT.
MF.

BY: _____

GENE ROYAK

W&S JOB NO

9429



MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180

Telephone: 573/751-4115 ▲ Missouri Relay Center: 1-800-735-2966 (TDD)

JOHN D. HOSKINS, Director

RECEIVED
SEP 09 2002

September 6, 2002

Ms. Kathleen L. Conley
Harding ESE, Inc.
3199 Riverport Tech Center Dr.
St. Louis, MO 63043

Dear Ms Conley:

Re: Howard Bend Floodplain Environmental Impact Statement

Thank you for your letter of July 8, 2002, regarding species of conservation concern within the proposed project area. I also appreciate your accommodating our need for additional time to develop our comments. Whatever alternative is selected, we urge that adequate consideration be given to avoiding and minimizing impacts to the environmental resources within the project area. Balancing economic development, flood protection, and natural resource protection in this area is difficult, given the multiplicity of federal, state, local, and private interests in this issue, now and in the future.

A review of our records shows that public lands, sensitive species or communities are known to exist on or near the above referenced site. Details are provided in the enclosed Heritage Database report which reflects information we currently have in our database. Please be advised this is **not a site clearance letter**. Rather, this letter provides an indication of whether or not public lands and sensitive resources are known to be (or are likely to be) located close to the proposed project area.

Incorporating information from our Heritage Database into project plans is an important step that can help reduce unnecessary impacts to Missouri's sensitive natural resources. However, the Heritage Database is only one reference which should be used to evaluate potential adverse impacts. Other types of information, such as wetland and soils maps and on-site inspections or surveys, should be considered. Reviewing current landscape and habitat information and species biological characteristics would additionally ensure that species of conservation concern are appropriately identified and addressed.

COMMISSION

STEPHEN C. BRADFORD
Cape Girardeau

ANITA B. GORMAN
Kansas City

CYNTHIA METCALFE
St. Louis

HOWARD L. WOOD
Bonne Terre

Ms. Kathleen L. Conley
Page Two
September 6, 2002

Since 1971, the Conservation Commission and Department staff have been stating their concerns to the U.S. Army Corps of Engineers (USACOE) over land use and flooding issues in this region of the Missouri and Mississippi Rivers. The 1993 and 1995 floods provided dramatic examples of the staggering social and economic losses that result when these mighty rivers reclaim their floodplains; and these rivers will flood again—any bets to the contrary?

Coordination with private, local, state, and federal entities for non-structural (without levees) means of reducing flood damage and open space/wetland development may provide a means to achieve a balance between economic development and natural resource considerations. Depending upon which course of action proposed by the USACOE is adopted through the Environmental Impact Statement process, fish and wildlife resources within the Howard Bend Levee Floodplain could be adversely affected. Other recreational, aesthetic, and environmental resources and potentials in this region, lying so near a major metropolitan complex, might also suffer.

Thank you for the opportunity to review and comment. The Conservation Commission and Department staff would like to urge the USACOE not to make any decision for an alternative course of action until all feasible alternatives and facts are determined and carefully evaluated. The Department would welcome involvement in development of a Howard Bend Strategic Area Management Plan if that alternative proves to be the selected course of action.

Sincerely,



DANIEL J. WITTER
POLICY COORDINATION CHIEF

DJW:GG:dcl

Enclosure

c: John Smith, Gerald Ross, Michael Arduser, Richard Wehnes, Lynn Schrader,
Joel Porath, Steve Spezia



HARDING ESE, INC.
3199 RIVERPORT TECH CENTER DRIVE
ST. LOUIS, MISSOURI 63043

HOWARD BEND FLOODPLAIN ENVIRONMENTAL IMPACT STATEMENT

The following species and/or natural communities are known to occur on or in the vicinity of the project site:

<u>Scientific Name</u>	<u>Common Name</u>	<u>Federal Status</u>	<u>State Status</u>	<u>State Rank</u>	<u>Township/Range</u>	<u>Sec.</u>
BOTAURUS LENTIGINOSUS	AMERICAN BITTERN		E	S1	046N005E	19
MACRHYBOPSIS MEEKI	SICKLEFIN CHUB			S3	046N004E	25
ECHINODORUS TENELLUS VAR PARVULUS	DWARF BURHEAD			S1	046N004E	25
PHYSCOMITRELLA PATENS	A MOSS			S1S2	047N005E	32
HYBOGNATHUS PLACITUS	PLAINS MINNOW			S2	046N004E	25
MACRHYBOPSIS MEEKI	SICKLEFIN CHUB			S3	046N005E	07
PASPALUM SETACEUM VAR SETACEUM	SLENDER PASPALUM			S1	047N005E	32
SMALLANTHUS UVEDALIUS	YELLOW-FLOWERED LEAFCUP			S4	046N005E	19
MACRHYBOPSIS MEEKI	SICKLEFIN CHUB			S3	046N004E	12
ACALYPHA DEAMII	LARGE SEEDED MERCURY			SH	046N005E	29
MACRHYBOPSIS STORERIANA	SILVER CHUB			S3	046N004E	25
MACRHYBOPSIS GELIDA	STURGEON CHUB			S3	046N005E	07
NOTROPIS BUCHANANI	GHOST SHINER			S2	046N004E	12

Additional information for planning purposes:

Overwintering bald eagles (Federally threatened, State endangered) may occur in the project area, as they are common winter residents in big river habitats and major lakes where they feed on fish.

Pallid sturgeons (Federally endangered, State endangered) are big river fish that may range widely in the Mississippi River and Missouri River system. Because the preferred habitat and range of the species are unknown, any project that modifies big river habitat or impacts water quality should consider the possible impact to pallid sturgeon populations.

FEDERAL STATUS - The federal status is derived from the provisions of the federal Endangered Species Act, which is administered by the U.S. Fish and Wildlife Service. The Endangered Species Act provides federal protection for plants and animals listed as Endangered or Threatened. E = Endangered, T = Threatened, C = Candidate, PE = Proposed Endangered for Federal listing.

STATE STATUS (E) - The state status is determined by the Department of Conservation under constitutional authority. Rule 3CSR10-4.111 Endangered Species of the Wildlife Code of Missouri and certain state statutes apply to state Endangered species.

STATE RANK - A numeric rank of relative endangerment based primarily on the number of occurrences of the species within the state of Missouri. S1 = Critically imperiled in the state, S2 = Imperiled in the state, S3 = Rare and uncommon in the state.

Eastern collared lizard populations, natural communities and geologic features are recognized as sensitive biological resources and may also appear on this report.



HARDING ESE, INC.

HOWARD BEND FLOODPLAIN ENVIRONMENTAL IMPACT STATEMENT

Additional Information (continued):

Species of stream fishes spawn (lay and fertilize their eggs) during specific times of the year. Fish eggs are extremely vulnerable to localized habitat destruction and activities that cause excessive sediment loads which can smother fish eggs. High levels of chemical and organic pollutants can also negatively affect the proper development of fertilized fish eggs. Human activities that change the physical structure of rivers and streams, such as building impoundments or channelization (straightening streams), could negatively affect fish movement and distribution. All activities that alter, destabilize or destroy stream bottoms or banks should be avoided to prevent disrupting the spawning activities of stream fishes. In addition, avoid all activities that introduce chemical or organic pollutants to streams.

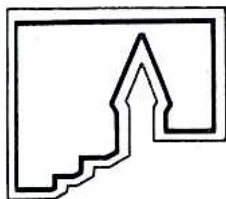
Please note the following information regarding Indiana bats (Federally endangered, State endangered) which may occur in the project area. Indiana bats roost and raise young under the bark of trees in riparian forests and upland forests near perennial streams. Favored roosts are large diameter (>9" dbh; best are >21" dbh) dead oaks and hickories, and living shagbark hickory. Other tree species such as elm, cottonwood, ash, and maple, if they have exfoliating bark, also may be used as roosts. Indiana bats especially need snags standing in openings, at edges, or where tree canopy is sparse. Projects should avoid or minimize the removal of potential roost trees from riparian zones or from woodlots within 0.6 mile of perennial streams or permanent water. If removal of potential roost trees is unavoidable, it should be done when Indiana bats are not likely to be present, i.e., between 15 September and 1 April. During the course of development, if possible, leave snags standing. Indiana bats feed upon terrestrial and aquatic insects; they preferentially forage in and around the canopy of riparian and floodplain forest, but also along forest/field edges and fencerows. Therefore, mature forest canopy should be enhanced and stream quality not degraded.

Public land in the project area:

August G. Beckemeier Conservation Area
Louis H. Bangert Memorial Wildlife Area
Riverwoods Conservation Area

Missouri Department of Conservation
Missouri Department of Conservation
Missouri Department of Conservation

Chesterfield Quadrangle
St. Charles Quadrangle
St. Charles Quadrangle



**AMERICAN
RESOURCES
GROUP, LTD.**

127 North Washington
Carbondale, IL 62901
Phone 618/529-2741
Fax 618/457-5070
e-mail: arg@midwest.net

October 10, 2002

MACTEC Engineering & Consulting
Attn: Bill Elzinga
3199 Riverport Tech Center Drive
St. Louis, MO 63043

Re: Revision of Howard Bend Report to Include Historical Data and Maps of Recorded
Steamboat Wrecks.

Dear Bill:

Enclosed please find two copies of the above referenced report. We had to transfer the
steamboat wrecks to our original maps as the copies we got were very poor quality. Also,
enclosed is our billing for this work.

If you have any questions, please contact me. Thank you for your support.

Sincerely,

Michael J. McNerney
President

cal
enclosures

U.S. Environmental Protection Agency Region 7
Howard Bend Scoping Comments
February 26, 2003

Project Scope

Geographic

The cited legal mandate "Subpart r " narrowly focuses assessment of cumulative impacts to road construction projects (e.g. Page Avenue Extension) within St. Louis County. EPA recommends departing from this constraint in the cumulative impacts analysis for an area that is impacted by more than just highway construction projects.

The EPA recommends that the study area encompass the entire Missouri River floodplain from Earth City to Chesterfield Valley in St. Louis County, Missouri. Further, the EPA would like to see the inclusion of the left descending bank of the river from Weldon Spring to St. Charles, since significant development has occurred in those areas during the last 25 years.

Temporal

EPA believes that it is important to establish a baseline condition or a point in time where man-made modifications within the floodplain were not *the* significant driver for subsequent modifications. Issues to be analyzed to establish the baseline condition include:

- ◆ Estimates for property loss/damage due to erosion or river stage increase induced by levee projects
- ◆ Discussion of induced development and potential for catastrophic loss due to levee failure.
- ◆ Levee height escalation (costs and consequences).
- ◆ The EIS should forecast storm water run-off during peak storm events for the watershed(s), utilizing HEC series or equivalent stormwater models.
- ◆ Point and non-point source(s) should be mapped to determine the potential impacts associated with the ponding behind the levee system during storm events (need for water evacuation systems, construction code limitations...).

Effective Use of Previous Studies

The EPA strongly encourages that information relating to cumulative and secondary impacts from these previous EIS's be used in the Howard Bend EIS. These past studies prove relevant because they are similar in nature to Howard Bend, and could be used as a baseline or as an example of

actual post-implementation consequences. Section 1506.4 of the Council on Environmental Quality (CEQ) regulations for implementing NEPA specifically cites utilization of other documents for efficiency:

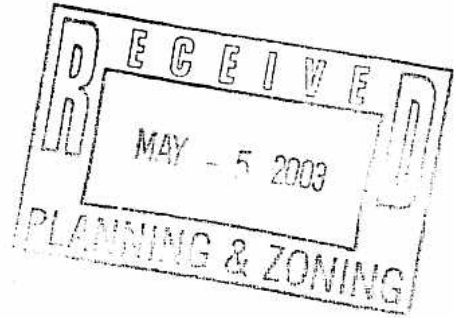
1504.6 Combining documents.

Any environmental document in compliance with NEPA may be combined with any other agency document to reduce duplication and paperwork.

Environmental Justice

Environmental justice communities (minority and/or low income) are frequently located within floodplains. Incremental “flood control” projects, fill activities, or other development within the floodplain have the potential to raise river stages to the degree that a disproportionate impact may be imparted to EJ communities. EPA recommends that the USACE evaluate the existence of low income and/or minority populations at a scale that is finer than census block data.

May 2, 2003



Mr. J. Wayne Oldroyd
City of Maryland Heights
212 Millwell Drive
Maryland Heights, Missouri 63043

RE: Mill Ridge Villas

Dear Mr. Oldroyd:

Some months back we met concerning a tract of ground within the City of Chesterfield located on the west side of Creve Coeur Mill Road at Amiot Drive. At the time, we discussed the potential roadway corridor for the connection of the Earth City Expressway to Route 141 at Olive Boulevard.

Please find enclosed a preliminary development plan for the property which incorporates a corridor for the future potential roadway. I am forwarding the plan for your review and comment. A petition for zoning approval to allow the Mill Ridge Villas project has been submitted to the City of Chesterfield. No hearing date has been set for that petition.

Thank you for your consideration in this matter. Please feel free to contact me at 636-537-7128 or jduepner@centexhomes.com.

Sincerely,

Jerry Duepner
The Jones Company Homes, LLC

JD:sd
Enclosure

cc: Michael Doster, Doster Mickes James & Ullom
George Stock, Stock & Associates